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STAFF REPORT

BOARD MEETING DATE: March 22, 2016

DATE: February 16, 2016

TO: Board of County Commissioners

FROM: Trevor Lloyd, Senior Planner, Planning and Development Division
 Community Services Department, 328-3620, tlloyd@washoecounty.us

THROUGH: William H. Whitney, Division Director, Planning and Development
 Community Services Department, 328-3617, bwhitney@washoecounty.us

SUBJECT: (1) Acknowledge the Report to the Washoe County Board of Commissioners from the Washoe County Planning Commission on potential changes to various aspects of the proposed Sign Code including minimum lane requirements for certain electronic signs adjacent to roads, minimum hold time for the copy of certain electronic signs, and the prohibition of offsite commercial advertising signs and the collection of revenue from such signs; and (2) Introduce and hold the first reading of an ordinance amending Washoe County Code (WCC) Chapter 110 (Development Code) at Article 500, Sign Regulations: Title and Contents, to remove Article 502, Billboard Regulations, and Article 504, Sign Regulations, and replace them with Article 505, Sign Regulations, which will involve a wholesale change to the sign code provisions of Washoe County; and if supported, set the public hearing for second reading and possible adoption of the ordinance on April 12, 2016. (All Districts.)

SUMMARY

(1) Acknowledge the Report to the Washoe County Board of County Commissioners (Board) from the Washoe County Planning Commission (PC) and (2) Introduce and hold the first reading of an ordinance amending Washoe County Code (WCC) Chapter 110 (Development Code) at Article 500, Signs: Title and Contents to remove Article 502, Billboard Regulations, and Article 504, Sign Regulations and replace them with Article 505, Sign Regulations.

AGENDA ITEM # 10

Washoe County Strategic Objective supported by this item: Supporting Development of the Regional Economy and Jobs

PREVIOUS ACTION

On February 2, 2016, the PC reviewed the draft sign code with the Board proposed changes and provided their comments as directed by the Board from their meeting on September 22, 2015. Commissioner Daly made a motion to, “deny the proposed change with the comments attached from each Commissioner and forward that to County Commissioners” which passed unanimously.

The Board provided direction to staff to make the following changes to the draft sign code and the PC was asked to consider these changes:

1. Reduce the required number of travel lanes fronting an Electronic Message Display (EMD) sign from four lanes to two lanes. This direction results in the removal of proposed WCC Section 110.505.30(d) which states: “An EMD shall only be placed along public roadways that have a minimum of four travel lanes.”
2. Reduce the hold time for EMD signs from 20 seconds to 8 seconds. This direction results in a change to proposed WCC Section 110.505.30(b) which would state: “Static copy on the EMD must be displayed for a minimum of 8 seconds with instantaneous transition from one message to the next.”
3. Prohibit the offsite advertising and the collection of revenue for advertising for all commercial signs that are not billboards. This direction would ensure that commercial signs other than billboards only advertise the business, activity, products, services or interests of those on the premises.

The following options were provided to the PC for their consideration at their February 2nd meeting:

- A) Vote to support some or all of the changes as proposed by the Board; or
- B) Vote to reject some or all of the changes as proposed by the Board; or
- C) Not take a vote but collectively or individually comment on the changes as proposed by the Board.

The following comments are from the draft minutes of that PC meeting:

Chair Barnes began the process of taking comments from the Commissioners.

Commissioner Edwards would adopt Option B. He could accept Changes 2 and 3, but he could not accept Change 1, the reduction of the minimum number of lanes for an EMD.

Commissioner Daly agreed with the reduction of traffic lanes issue. He also agreed that the reduction from 20 seconds to eight seconds is entirely inappropriate and a threat to public safety. He would go the other way with a much, much longer period to ensure that a motorist driving on a freeway, for example, will pass the sign with zero to one change.

Commissioner Chesney agreed on the reduction of traffic lanes, which appears to be a safety issue to him, as does Change 2, which he believes is a real safety issue. For Change 3, he does not believe it is their place to deny someone who has ownership of a sign what they put on the sign or whether they make a profit. He doesn't believe they are in that business.

Chair Barnes agreed with Commissioner Chesney on all three of his comments.

Vice Chair Chvilicek spoke on Change 1, reducing the required number of traffic lanes. Two traffic lanes without a barrier cause a grave concern of traffic safety for her. When she looked at EMD's and started timing them as she was around the community, eight seconds tended to be their rotation. She agreed that when you are traveling down a road and you see the sign change multiple times, then the longer those read, the safer she believes it to be. With respect to legal counsel's guidance or caution on offsite advertising, she still supports prohibiting offsite advertising.

Commissioner Prough doesn't have a problem with the reduction down to two traffic lanes. He believes there would be some measure of thought before anything went into that. He is very concerned about Change 2 with the timing. He is glad for Commissioner Daly's presence as an expert on this. He would defer to Commissioner Daly's expertise. He believes that eight seconds is too quick to pick up a message if you are going 60 to 70 miles per hour down the freeway. He understands from the advertiser's standpoint, the billboard company, that you get more people advertising because you are flipping those messages around, and that does bring revenue into the county. He thinks the safety concerns outweigh that. For the last point, he is a strict believer in the First Amendment and does not want to restrict anyone's commerce. If they have the gumption to be able to make a living somehow, that is good.

Commissioner Horan supported the other comments that were made relevant to Changes 1 and 2 as far as the safety issues' concern. The elimination of the four-traffic lane requirement is problematic, as well the frequency of the turnover on the electronic signs. He also does not support restricting the ability for offsite advertising.

For the Board's consideration, counsel has opined that prohibiting the collection of revenue for any signage may be legally problematic under a so-called constitutional "Takings" analysis, a Commerce Clause analysis, or a First Amendment analysis. Generally speaking, the Takings Clause of the 5th Amendment of the U.S. Constitution (as well as similar provisions in the NV Constitution) requires just compensation be paid if the government takes private property for a public purpose. The Commerce Clause, found in Article 1 of the U.S. Constitution, on the other hand, prohibits local laws that impose burdens on interstate commerce that are clearly excessive in relation to the putative local benefits. See *C&A Carbone, Inc. v. Town of Clarksburg, N.Y.*, 511 U.S. 383, 390 (1994). And the First Amendment presumptively prohibits laws that impose a financial burden on speakers because of the content of their speech; local laws are generally invalid if they single out income derived from expressive activity for a burden placed on no other income and are directed only at works with a specified content. See *Simon & Schuster, Inc. v. Members of New York State Crime Victims Board*, 502 U.S. 105 (1991).

On September 22, 2015, the Board requested several changes to the draft code and directed that the proposed amendment with changes be returned to the PC for review and for a report that would be returned to the Board for a final review and possible adoption of DCA14-009.

The Board provided direction to staff to make the following changes to the draft sign code:

1. Reduce the required number of travel lanes fronting an Electronic Message Display (EMD) sign from four lanes to two lanes. This direction results in the removal of proposed WCC Section 110.505.30(d) which states: "An EMD shall only be placed along public roadways that have a minimum of four travel lanes."
2. Reduce the hold time for EMD signs from 20 seconds to 8 seconds. This direction results in a change to proposed WCC Section 110.505.30(b) which would state: "Static copy on the EMD must be displayed for a minimum of 8 seconds with instantaneous transition from one message to the next."
3. Prohibit the offsite advertising and the collection of revenue for advertising for all commercial signs that are not billboards. This direction would ensure that commercial signs other than billboards only advertise the business, activity, products, services or interests of those on the premises. .

On July 7, 2015 the PC reviewed the draft sign code and recommended approval of the proposed draft by a vote of 4 in favor and 1 opposed. The PC recommended a change to the draft as presented by staff that the allowable height for Electronic Message Display (digital) signs be increased from 6 feet to 12 feet in height.

On June 9, 2015 the Board directed staff to limit the size of Regional Recreation, Travel and Tourism (RRTT) signs to a maximum of 450 square feet and to define billboards as any sign larger than 450 square feet. The Board also directed staff to provide better definition of large scale entertainment uses as 1,000 people per event.

On April 28, 2015, the Board was asked to provide direction to staff with regard to the RRTT signs. The Board asked staff to prepare better definitions for "large scale projects" and "billboards" and return to the Board for further direction.

On August 26, 2014, the Board acknowledged receipt of an update on the status of the Washoe County's sign code amendment process.

BACKGROUND FOR ORDINANCE FIRST READING AND INTRODUCTION

Content Neutrality

Staff has attempted to follow the direction of the Board in ensuring, to the greatest practical extent, that the proposed code is content neutral, meaning signs are regulated without regard to the content of their message. Signs are protected under the First Amendment "Free Speech" clause of the United States Constitution. So-called "content-based" regulations have generally been reviewed by state and federal courts under the "strict scrutiny" judicial standard. Strict scrutiny means that the Code must further a compelling governmental interest and must be narrowly tailored to achieve that interest in order to regulate the content of signage. Many sign codes throughout the Country that have been determined to be "content-based" have been found to be unconstitutional under that standard. Thus although there is case law in this jurisdiction that has upheld

ordinances against First Amendment challenge even though they distinguish between on-premise and off-premise commercial signs, a more conservative content neutral approach is proposed in the hopes of reducing the risk of a successful constitutional challenge.

Code Simplicity

A fundamental objective pursued by staff when drafting the proposed Sign Code regulations was to create a code that is easy to read and understand both for the citizens of Washoe County as well as for staff. Staff is pleased with the simplicity of the final (draft) product. In stark contrast with the current code, the proposed draft is written in plain English and is constructed in a format that is easy to follow. The existing code requires the reader to flip between multiple sections of the Article in order to determine the required sign regulations. Due to the complex nature of signage, the draft code will still require some cross-referencing but is far simpler to use than the current code. In fact, nearly all applicable standards for signage for most uses are found in a single table in the proposed code (Table 505.1).

Billboards

Staff is proposing to combine existing Article 502, Billboard Regulations, with existing Article 504, Sign Regulations, into the new Article 505, Sign Regulations, and reduce the billboard specific regulations to one paragraph (as previously directed by the Board of County Commissioners) that states the following:

(WCC Section 110.505.70, Definitions)

“Billboard” means any sign larger than 450 square feet and/or identified in the most current billboard inventory list as maintained by the Washoe County Community Services Department. The total number of permitted billboards is determined by the most current billboard inventory adopted by resolution by the Board of County Commissioners and maintained by the Washoe County Community Services Department.

The existing code language (Article 502, Billboard Regulations) contains 14 pages of regulations for billboards which is misleading and confusing as it contains regulations for allowed locations, size, height, and other criteria but also contains language that prohibits all new billboards. WCC Section 110.505.35, Prohibited Signs, and WCC Section 110.505.65, Billboards, of the proposed code will result in the same billboard restrictions without the misleading and confusing code language. The proposed Code does not allow for construction of any new billboards.

Exhibit D of this staff report is a recently completed draft inventory of all existing billboards in unincorporated Washoe County. According to this draft inventory, Washoe County has experienced a steady and consistent reduction in the number of billboards in recent years. According to the latest draft inventory, there are 30 billboards in the unincorporated portion of Washoe County and staff expects this trend of billboard reduction to continue with the adoption of this proposed Sign Code.

Staff spent many hours diligently photographing and locating billboards in unincorporated Washoe County to update the Billboard Inventory adopted by the Board on December 10, 2002. The Billboard Inventory is maintained by the Planning and

Development Division. The inventory was updated, as much as possible, to remove billboards no longer located in the unincorporated County, to remove signs classified as “off premise” in the current Code which will no longer be considered as a billboard in the proposed Code, and to correct parcel information, property owners, and sign company contacts for each individual billboard. This update process has been ongoing since November 2013 and was completed in order to accompany the Sign Code amendment update. Billboards found to no longer be within the unincorporated County include several along Interstate 80 East located on the parcels recently transferred to Storey County; billboards removed as the result of new development, damaged by natural occurrences, or removed by a property owner; and, billboards on property now located within the City of Reno or the City of Sparks. Staff will ask the Board to adopt the draft Billboard Inventory by resolution immediately following the adoption of the proposed Sign Code.

Regulation of Signs Based on the Use of the Property Rather than on Regulatory Zone

Article 505 proposes to regulate signage based on the use of the property rather than the regulatory zone of the property. The current code regulates signage based on a property’s adopted regulatory zone and this method has resulted in a number of complications and problems. Specifically, this current method provides a “one size fits all” approach that leads to incompatible signage as well as difficulty in establishing appropriate signage where necessary. One such example of this problem results whenever a civic use such as a school, church, community center, etc. is established in a residential zone; these civic uses require more signage flexibility than the current sign code regulations for a residential zone allows. The proposed code resolves this problem by tailoring the allowable signage to the established use of the property. In order to accomplish this method, staff has carefully considered each of the allowable uses in table 110.302.05.1 of the Development Code and has assigned each of these to one of the nine “principal use types” defined in WCC Section 505.20 of the proposed Sign Code regulations.

Tables 505.1 and 505.2

Article 505 includes two regulatory tables that provide the sign regulations for the allowable sign size, height, and quantity for each property based on the established principal use type on the property. The intent of the proposed sign regulations is to direct users of the code to these tables as the first place to look when determining appropriate sign standards. Each table fits on a single page that facilitates ease of use and reduces confusion by establishing a single source (section) for regulations rather than searching multiple sections within the Article when determining the sign standards for most types of signs. An additional benefit of these tables is that they condense multiple pages of complicated text into one and a half pages of easy to understand tables. Table 505.1 regulates permanent signs whether free-standing or attached to a building. Table 505.1 also establishes which signs may require an administrative permit or a special use permit and which signs may be permitted by right. Similarly, Table 505.2 serves the same function for temporary signs.

Counsel has recommended that an additional accommodation be incorporated into the table in order to allow at least some signage on properties that have no established principal use. One idea would be to allow those properties to have the same amount of

signage as a single family residential property. This would avoid a general prohibition on signage on those properties. The draft sign code does not currently include such language.

Election Period Signs

The importance of free speech is particularly significant during election periods. Under existing code election period signs are regulated as “temporary signs” which are allowed up to 128 square feet in size on any privately owned property with some restrictions. These signs are allowed for only 100 consecutive days, or until the event occurs, in the existing code. Article 505, as proposed, provides considerable allowances for election period signs and specifies the timeframe that these signs can be erected beginning on the first day of filing for, and ends 10 days after, an election. No building permits are proposed to be required for election period signs. Proposed new regulations for election period signs will include no lighting/illumination and restricting signs in specific locations, generally those locations where the signs may create a hazard to the public.

Temporary and Real Estate Signs

The temporary sign regulations within the existing Sign Code (Article 504) are confusing and contradictory. For example, it is unclear whether the maximum size for a residential real estate sign is four square feet or 128 square feet, depending on how the code is interpreted. Thus, the allowable square footage for a residential real estate sign is either too restrictive or too lenient. It is also unclear whether a real estate sign can be erected for a maximum of 100 days or indefinitely. This lack of clarity has resulted in differences in interpretation and has made consistency of enforcement difficult.

Similar to the existing regulations for permanent signs, the existing regulations for temporary signs utilize a “one size fits all” approach regardless of the use of the land. It is necessary, under the current regulatory approach, to read the message on the sign to determine what standards might apply for a particular sign. Again, this subjects the County to the “strict scrutiny” standard of judicial review.

Conversely, proposed Article 505 offers clarity and simplicity and more importantly, it provides temporary sign regulations that are both flexible and appropriate for the use of the property on which the sign will be located. Proposed Article 505 also provides specific standards for signage during the time period in which a property is advertised for sale or lease. Table 505.2, of the proposed code, provides clear regulations regarding size and height for temporary signs, regardless of the message that may be presented. The proposed standards have been well received by representatives of the real estate industry and interested county residents.

Consistency

Staff has received clear direction from the County Commission to provide sign standards and regulations that are consistent with the sign standards of the neighboring jurisdictions to the best practical extent. It is understood that the nature and character of Washoe County is different from the cities and therefore the signage needs of the three jurisdictions will differ as Washoe County is primarily rural and suburban in nature while the cities are primarily urban in nature. Also, staff has gone to great lengths to ensure that the proposed sign regulations do not differ greatly from the existing regulations, in those cases in which clear standards are found in the existing code. It is important that Washoe County does not create a flood of nonconforming signs upon adoption of new sign regulations. For these reasons Washoe County's Sign Code regulations should not mirror those of Reno and Sparks; however, the proposed code will provide a good deal of consistency in several areas including, among other things, the method of determining the brightness of electronic signs, sign area computations, and allowable window area signage. The consistency among local jurisdictions will benefit the sign industry and those who must deal with the sign codes on a regular basis.

Sign Area Computation

Not all signs are placed within a clearly defined frame or square/rectangular cabinet. This can create some difficulties trying to calculate the allowable sign display area. The existing code language asks for an average height times the average width of a sign that is not within a clearly defined frame or cabinet. Unfortunately, this method does not provide much direction and leads to differences in interpretation and therefore differences in calculations. The new method proposed in the draft code allows for the utilization of different geometric shapes (circles, rectangles and right triangles). This method provides for the simple calculation of signage and staff has provided a series of graphics [at proposed WCC Section 505.15(c)] within Article 505 to help illustrate this calculation method.

Electronic Message Displays (Digital Signs)

An electronic message display (EMD) sign is defined in the proposed draft code as "a sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means". These signs are currently allowed under the existing code with very few restrictions on height, size, placement or brightness. In fact, the existing code allows for large/bright electronic signs that also permit video or animation. The proposed code will allow EMD signs, but will greatly restrict the size, manner and place of this style of sign. Some of the proposed restrictions within the draft Sign Code regulations that are not in the existing code include restricting the height of EMD signs to a maximum of 12 feet (as recommended by the PC), limiting EMD's to commercial centers and civic use type, imposing lighting/illumination standards, imposing buffers from residential zones and from other EMD's, and prohibiting EMD's from locating along scenic corridors. Some of these restrictions do not apply for signage within the proposed Regional, Recreational, Travel and Tourism [RRTT] use type (see discussion on this use type below).

Sign Lighting Standards

The existing Sign Code allows Electronic Message Display (EMD) signs, but there currently are no restrictions or limitations to the allowable brightness of these signs. The proposed Sign Code regulations propose to use a standard that is the preferred method by the sign industry and is commonly used by neighboring jurisdictions. Additionally, this proposed method of brightness measurement is consistent with the recently adopted City of Sparks Sign Code which was supported by Scenic Nevada.

Article 505 proposes to regulate EMD sign illumination through an illumination measurement method utilizing a light meter and by measuring the illumination of the sign from a distance that is calculated by taking the square root of the area of the sign times 100. This method of measuring light is utilized by many jurisdictions throughout the country and is consistent with the illumination measurement methods used by the City of Reno for billboards and the City of Sparks for both signs and billboards. Staff and the sign code working group have spent a good deal of time discussing this measurement method and have come to a general consensus that this is the appropriate method to recommend.

The proposed measurement method is found in proposed WCC Section 110.505.30(k) as provided below:

“EMDs shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot-candle meter at a pre-set distance. The pre-set distances to measure the foot-candles is calculated using the following formula: Measurement Distance =

$$\sqrt{\text{Area of Sign} \times 100}”.$$

Regional, Recreation, Travel and Tourism (RRTT) Use Type and Associated Signage

A principal theme of the proposed Sign Code regulations is the importance of regulating signage based on what is existing on the property (principal use type) rather than what could potentially be established on the property (regulatory zoning). The nature of certain uses will require more signage than other uses. For this reason, commercial use types are granted more and larger signs than residential use types. Similarly, use types that attract significant numbers of the public from within the region and from outside the region also have a need for more and larger signage. Staff has identified a limited number of uses that fit this category of use type in which larger signs may be necessary. This category of principal use type is identified in the draft code as a “Regional, Recreational, Travel and Tourism” (RRTT) use type and it is defined at WCC Section 505.20(f) of the proposed Sign Code regulations as follows:

“Regional Recreation, Travel and Tourism” refers to large-scale entertainment uses intended to attract crowds of 1,000 people or more per event and also include unlimited gaming facilities that attract visitors from both inside and outside of the immediate region of Washoe County. Such use types may include: Casinos with Unlimited Gaming and Outdoor Entertainment venues.

The number of uses that fit the RRTT use type definition above is very limited in Washoe County. There are only a small number of these uses in the unincorporated Washoe County that staff is aware of at this time that meet this definition. Also, there are a number of findings (criteria) provided in WCC Section 505.40(c) of the draft code that would further limit the number of RRTT signs that could be established. Some of these criteria include locational requirements such as being located immediately adjacent to an interstate highway having at least four travel lanes; regulatory zoning requirements that limit the placement of RRTT signs to properties with a regulatory zone of Industrial, General Commercial, or Tourist Commercial; and a distancing requirement of at least 500 linear feet of such signs from a residential regulatory zone. Any request for an RRTT sign that exceeds the allowable sign size as provided in Table 505.1 of the proposed Sign Code would require a special use permit to be heard directly by the County Commissioners.

At their September 22, 2015 meeting the Board directed staff to provide clarification regarding why size dimensions (i.e. over 450 square feet) are to be used when defining a billboard.

- The 450 square foot size provides for a clear and distinct difference between an RRTT sign and a billboard. This clear distinction allows for the easy enforcement in the prohibition of new billboards.
- The 450 square foot provision provides a maximum size limitation that currently does not exist. The BCC directed staff to draft language to allow for larger signs (RRTT signs) for the purpose of directing people to a regional tourism destination. Currently, the existing code does not impose a maximum sign size for on premise signs, therefore the 450 square foot limitation would close a loophole involving the potential erection of new signs that look and function like billboards.

The Board also asked staff to explain how a Regional, Recreation, Travel and Tourism (RRTT) sign is different than a billboard.

- In the draft code RRTT signs are equal to or less than 450 square feet in size; Billboards are larger than 450 square feet in size.
- RRTT signs require a principal use involving a regional tourism use type (as defined in the draft code) to be located on or immediately adjacent to the site; Billboards do not require a principal use on or adjacent to the site.

Sign Code Working Group and Public Involvement

Signage, by its nature, is a polarizing topic with many different positions and points of view. In drafting the proposed sign code, staff has striven to balance many competing interests from diverse groups having very different points of view. For this reason, the Board directed staff to form a working group to work through these issues with staff and to help create the proposed sign code as drafted. The Sign Code Working Group was comprised of representatives from the sign industry, the real estate industry, the planning

profession, Scenic Nevada, the Citizen Advisory Boards, and the Planning Commission. Staff hosted a total of 16 meetings with the Sign Code Working Group.

As is always the case in these processes, differences of opinion abound. In addition to alternative approaches to the lighting measurement method discussed above, opponents of the proposed code also disagree with the elimination of distinctions between on-premise and off-premise signage (content neutrality) in the proposed code. Some argue that this will result in the proliferation of new signage, including new commercial signage that Washoe County could have to pay compensation for, pursuant to NRS 278.0215, if any future code changes were to require their removal. If the proposed Code is adopted, the distinction between billboards and signs (non-billboards) will be made clearer and the allowable size and number of signs for future commercial uses will be reduced. Further, the proposed Code has been drafted to ensure that most existing signs will remain conforming, as was the direction of the Board.

Unfortunately, it was not possible to completely satisfy all participants' specific interests and opinions at the conclusion of the working group's efforts. However, the draft sign code has received general consensus from most of the individuals who have participated in this process including the Sign Code Working Group, the attendees of the community workshops, and the Citizen Advisory Boards.

In addition to the Sign Code Working Group, staff hosted two community workshops and has attended several Citizen Advisory Board meetings including meeting twice with the South Truckee Meadows/Washoe Valley Citizen Advisory Board and once with Spanish Springs Citizen Advisory Board. These events were well attended and in the opinion of staff, the responses from the community to the proposed draft code have been well received. The notes from many of these events as well as correspondence from the public are available on the Planning and Development website at:

https://www.washoecounty.us/csd/planning_and_development/board_commission/planning_commission/2015/files/DCA14-009%20Correspondence.pdf

WCC Section 110.818.15(e) requires the Board to affirm, modify or reject the findings of fact made by the PC during the Board's final action of any Development Code Amendment. The Board may also add any other findings of fact that they deem to be relevant as part of their final action. The four findings of fact made at the PC during their recommendation for approval of DCA14-009 are included with Resolution 15-7 (Exhibit E). Those findings of fact, and staff's comments on those findings as contained in the PC staff report for the July 7, 2015 meeting are included below:

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.
Staff comment: The proposed sign code is consistent with the policies and action programs found in the Washoe County Master Plan.
2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code.

Staff comment: The proposed code will not adversely impact the public health, safety and welfare and will promote the original purposes of Article 918.

3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners and the requested amendment allow for a more desirable utilization of land within the regulatory zones.

Staff comment: The proposed code responds to changes in sign technology, specifically with digitally signage, etc. and provides appropriate language to address such changes.

4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

Staff comment: The proposed code will not have any adverse impacts to the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended that the Board (1) acknowledge the Report to the Washoe County Board of Commissioners from the Washoe County Planning Commission on potential changes to various aspects of the proposed Sign Code including minimum lane requirements for certain electronic signs adjacent to roads, minimum hold time for the copy of certain electronic signs, and the prohibition of offsite commercial advertising signs and the collection of revenue from such signs; and (2) Introduce and hold the first reading of an ordinance amending Washoe County Code (WCC) Chapter 110 (Development Code) at Article 500, Signs: Title and Contents, to remove Article 502, Billboard Regulations, and Article 504, Sign Regulations, and replace them with Article 505, Sign Regulations, which will involve a wholesale change to the sign code provision of Washoe County; and if supported, set the public hearing for second reading and possible adoption of the ordinance on April 12, 2016.

POSSIBLE MOTION

Should the Board approve, a possible motion would be:

“Move to (1) acknowledge the Report to the Washoe County Board of Commissioners from the Washoe County Planning Commission on potential changes to various aspects of the proposed Sign Code including minimum lane requirements for certain electronic signs adjacent to roads, minimum hold time for the copy of certain electronic signs, and the prohibition of offsite commercial advertising signs and the collection of revenue from such signs; and (2) Introduce and hold the first reading of an ordinance amending Washoe County Code (WCC) Chapter 110 (Development Code) at Article 500, Signs: Title and Contents, to remove Article 502, Billboard Regulations, and Article 504, Sign Regulations and replace them with Article 505, Sign Regulations, which will involve a

wholesale change to the sign code provision of Washoe County; and if supported, set the public hearing for second reading and possible adoption of the ordinance on April 12, 2016.”

Attachments: Exhibit A – Planning Commission Staff Report from meeting of 2/2/2016
Exhibit B – Proposed Sign Code Ordinance
Exhibit C – Draft Minutes of February 2, 2016 PC meeting
Exhibit D – Billboard Inventory and Map
Exhibit E – Planning Commission Resolution



Planning Commission Staff Report

Meeting Date: February 2, 2016

Subject: Development Code Amendment Case Number DCA14-009 – Sign Regulations with Changes as Requested by the Washoe County Board of County Commissioners

Applicant: Planning and Development Division

Agenda Item Number: 10A

Summary: To discuss and possibly take action to send a report to the Washoe County Board of County Commissioners (BCC) regarding the changes proposed by the (BCC) at their September 22, 2015 meeting involving the proposed amendment to Washoe County Code, Chapter 110, by changing Article 500 - *Signs: Title and Contents*; to remove Article 502 - *Billboard Regulations* and Article 504 - *Sign Regulations* and to adopt a new Article 505 (*Sign Regulations*) with the changes as recommended by the BCC.

Recommendation: **Recommend approval and authorize the Chair to sign the attached resolution**

Prepared by: Trevor Lloyd - Senior Planner
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Washoe County Community Services Department

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Description

Development Code Amendment Case Number DCA14-009 – Discussion and possible action to make recommendations to the Washoe County Commission on changes to the following three aspects of the pending amendments to the county's sign code regulations: reduction of the minimum number of lanes necessary for a roadway adjacent to an electronic message display (EMD) sign, reduction of the minimum hold time for EMD static sign copy from 20 seconds to 8 seconds, and prospective prohibition of off-premise advertising signage on signs that do not constitute billboards. These three aspects pertain to the pending sign code amendments designed to amend Washoe County Code Chapter 110 (Development Code) to amend Article 500 - *Signs: Title and Contents*; to remove Article 502 - *Billboard Regulations* and Article 504 - *Sign Regulations*; and to adopt a new Article 505 (*Sign Regulations*).

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Attachment Contents

Draft Sign Code Amendment dated January 2016Exhibit A

Background and Proposed Changes to Draft Code Amendment

On July 7, 2015 the Planning Commission (PC) recommended approval of Development Code Amendment Case Number DCA14-009 (draft sign code) draft sign code. On September 22, 2015, the Board of County Commissioners (BCC) requested several changes to the draft code and directed that the proposed amendment with changes be returned to the PC for review and for a report that would be returned to the BCC for a final review and possible adoption of DCA14-009.

At their September 22, 2015 meeting, the BCC provided direction to staff to make the following changes to the draft sign code:

1. Reduce the required number of travel lanes fronting an Electronic Message Display (EMD) sign from four lanes to two lanes. This direction results in the removal of Section 110.505.30(d) which states: "An EMD shall only be placed along public roadways that have a minimum of four travel lanes."
2. Reduce the hold time for EMD signs from 20 seconds to 8 seconds. This direction results in a change to Section 110.505.30(b) which would state: "Static copy on the EMD must be displayed for a minimum of 8 seconds with instantaneous transition from one message to the next."
3. Prohibit the offsite advertising and the collection of revenue for advertising for all commercial signs that are not billboards. This direction would ensure that commercial signs other than billboards only advertise the business, activity, products, services or interests of those on the premises.

Staff has prepared the changes to the draft code in response to the direction provided by the BCC. These changes can be found in Exhibit A (Draft Sign Code – January 2016).

The BCC also directed staff to provide clarification regarding why size dimensions (i.e. over 450 square feet) are to be used when defining a billboard.

- The 450 square foot size provides for a clear and distinct difference between an RRTT sign and a billboard. This clear distinction allows for the easy enforcement in the prohibition of new billboards.
- The 450 square foot provision provides a maximum size limitation that currently does not exist. The BCC directed staff to draft language to allow for larger signs (RRTT signs) for the purpose of directing people to a regional tourism destination. Currently, the existing code does not impose a maximum sign size for on premise signs, therefore the 450 square foot limitation would close a loophole involving the potential erection of new signs that look and function like billboards.

The BCC also asked staff to explain how a Regional, Recreation, Travel and Tourism (RRTT) sign is different than a billboard.

- In the draft code RRTT signs are equal to or less than 450 square feet in size; Billboards are larger than 450 square feet in size.
- RRTT signs require a principal use involving a regional tourism use type (as defined in the draft code) to be located on or immediately adjacent to the site; Billboards do not require a principal use on or adjacent to the site.

Planning Commission Action:

The PC should discuss and take action to send a report to the BCC on the proposed changes to DCA14-009 (draft sign code). The PC may choose one of the following options:

- A) Vote to support some or all of the changes as proposed by the BCC; or
- B) Vote to reject some or all of the changes as proposed by the BCC; or
- C) Not take a vote but collectively or individually comment on the changes as proposed by the BCC.

Recommendation

It is recommended that the Washoe County Planning Commission provide a report to the Washoe County Board of County Commissioners concerning proposed changes to DCA14-009 (draft sign code).

Motion

"I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission provide a report to the Washoe County Board of County Commissioners concerning proposed changes to DCA14-009 (draft sign code) containing the following: (*insert appropriate comments/information*)."

Staff Report and Action Order xc: Dave Solaro, Director, CSD
Nate Edwards, Deputy District Attorney

Article 505

SIGN REGULATIONS

Sections:

110.505.00	Purpose
110.505.05	Applicability, Exemptions, Interpretation, Severability and Variance
110.505.10	Mobile, Temporary and Exempted Signs
110.505.15	General Standards
110.505.20	Principal Use Types
110.505.25	Specialty Signs
110.505.30	Electronic Message Display (EMD) Signs
110.505.35	Prohibited Signs
110.505.40	Permits and Enforcement
110.505.45	Use and Maintenance of Nonconforming Outdoor Advertising Displays and Framework
110.505.50	Continued Use and Maintenance of Nonconforming Signs, Sign Permit Required for Non-Routine Maintenance
110.505.55	Termination of Nonconforming Use/Maintenance Rights
110.505.60	Signs on County Property
110.505.65	Billboards
110.505.70	Definitions

Section 110.505.00 Purpose. The purpose of this Article is to create the legal framework for a comprehensive system of the regulation of the time, place and manner of displaying signs in the unincorporated Washoe County that is content neutral, complies with applicable law and balances the following goals:

- (a) To respect the right of free speech and expression;
- (b) To promote the use of signs which are aesthetically pleasing, and appropriately related in size, shape, materials, lettering, color, illumination and character of the building or premises on which they will be displayed and are compatible with existing adjacent activities and land uses and scenic views;
- (c) To preserve and enhance the environment, including skylines and dark skies, thereby protecting an image that attracts those who come to live, visit, vacation and trade in the County;
- (d) To promote traffic safety, the free flow of traffic and prevent injury and property damage that may be fully or partially attributable to cluttered and distracting signage;
- (e) To promote commerce, economic development and reduce confusion and traffic disruption by providing for adequate and aesthetically integrated site, event and business location information;
- (f) To prevent property damage and injury which may be caused by signs which are improperly constructed or poorly maintained;

- (g) To protect property values, the local economy, and the quality of life, and the image of Washoe County;
- (h) To regulate the size, brightness, flashing, and message transition, of electronic message displays to reduce roadway distraction and offensiveness to surrounding neighborhoods;
- (i) To limit signage on County property only for locational, directional, traffic control and public safety, health and welfare purposes and allowing the expression of ideas in traditional public forums;
- (j) To provide standards and a system of sign permitting and enforcement of this Article that respects due process rights.

Section 110.505.05 Applicability, Exemptions, Interpretation, Severability and Variance.

- (a) Applicability. This Article applies to all signs located in the unincorporated Washoe County, unless superseded by a legally adopted Master Plan. Unless otherwise required by law, all signs not specifically permitted or exempted by this Article are prohibited.
- (b) Exemptions. Except to the extent they are prohibited by Section 110.505.35, Prohibited Signs, or subject to special standards, the following types of signs and displays are not subject to the provisions of this article and need not be included in any aggregate sign computations. In the event that a sign fails to meet any criteria, condition or qualification established for exemption in this section, the sign shall be subject to and governed by all other applicable requirements of this Article.
 - (1) Signs owned and/or maintained by a governmental agency for the purposes set out in subparagraphs (d) and (i) of Section 110.505.00.
 - (2) Changes in copy on an existing sign which does not alter the display area or framework, size, lighting, location or configuration of the sign.
 - (3) Plaques or markers under 4 square feet in size that cannot be read from a public roadway.
 - (4) Tombstones and grave markers.
 - (5) Signs posted to warn against trespassing, security or dangerous conditions on the property not exceeding 2 square feet in size.
 - (6) Address numbers or plates and nameplates. Residential nameplates shall not exceed 2 square feet in size and non-residential nameplates shall not exceed 4 square feet in size.
 - (7) Flags, emblems or insignia of any nation, state or political subdivision, provided that they do not number more than 3, that the individual surface area is not greater than 60 square feet, and that the supporting framework are not greater than the larger of 20 feet high or 10 feet more than the permitted height for a freestanding sign at that location.
 - (8) Signs which are not visible from an adjacent public roadway.

- (9) Signs carried or worn by a natural person including symbols and messages on clothing.
 - (10) Any sign required by County, State or Federal statute.
 - (11) Signs or copy permanently embroidered, screened, dyed, stenciled or painted into the fabric of umbrellas.
 - (12) Signs painted on and integral to vending machines and fuel dispensing pumps and legally required inspection stickers.
 - (13) Holiday decorations. However, such decorations must comply with nuisance and other provisions in the Development Code.
 - (14) Signs on benches or shelters for passengers of public mass transportation when permitted by state law.
 - (15) Election Period Signs. An election period begins the first day of filing for, and ends ten days after the general election conducted under federal, state, county, or city laws or ordinances in which residents of Washoe County are entitled to vote, including elections or votes regarding selection or recall of any federal, state, county or city officials, any ballot questions, referendum or advisory vote. Additional election period signs may be displayed on any site during an election period, subject to the following limitations, standards and requirements.
 - (i) Number and Size. There is no limitation on the number of signs or the maximum allowable sign display area per site for election period signs, and election period signs which otherwise comply with this subsection do not count against the number of signs or the allowable sign display area for a site as set out in Table 505.1. However, individual signs shall not exceed a sign display area of 128 square feet per sign.
 - (ii) No Sign Permit Required. A sign permit is not required for any election period sign which otherwise complies with this section.
 - (iii) Standards, requirements and limitations. Each election period sign need not meet the standards and limitations for all signs set out in this Article with the exception that they shall not be illuminated (to include electronic message displays) and they shall not be placed in a prohibited sign area as identified in Section 110.505.35, Prohibited Signs.
- (c) Interpretation.
- (1) This Article is to be liberally construed to effectuate the purpose set forth herein, irrespective of the commercial or noncommercial content or the viewpoint of the message. Any sign allowed herein may contain any lawful message, so long as said sign complies with the size, location, height, area and other requirements of this Article.
 - (2) Where a particular type of sign is proposed that is neither expressly allowed nor prohibited by this Article, or where the sign is proposed on a

structure that is not a building as defined in the Development Code, the Director of the Planning and Development Division, Community Services Department or his designee shall have the discretion to approve or disapprove the proposed sign based on whether it is more similar to a type of sign that is expressly allowed or to one that is expressly prohibited.

- (d) Severability. If a decision of any court of competent jurisdiction holds any section, sentence, clause, phrase, word, portion or provision of this Article is invalid or unconstitutional, such decision shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion or provision of this Article which can be given effect without the invalid provision. The invalidation of any section, sentence, clause, phrase, word, portion or provision of this Article as applied to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction shall not affect the application of such section, sentence, phrase, word, portion or provision to any other property or structure not specifically included in said invalidation.
- (e) Variance. Variances to the provisions of this Article can be made only by the Planning Commission or the Board of County Commissioners and only upon a finding supported by written legal opinion of the District Attorney that the variance is required to comply with the constitution, laws or judicial decisions of the United States or State of Nevada.

Section 110.505.10 Mobile and Temporary Signs.

- (a) Mobile signs are permitted under the following conditions.
 - (1) The mobile sign must be painted or otherwise directly attached flat against the exterior surface of the body of a vehicle or trailer or, if on a cargo-type body, the sign must be attached flat against the stake racks or other standard vehicle accessories used to confine cargo loads on the bed of the vehicle or trailer.
 - (2) The vehicle or trailer must be currently licensed and registered and must be legally operable and capable of being operated on public roads.
 - (3) The mobile sign shall not be illuminated and shall not contain letters or symbols which are manually replaceable in order that the copy can be easily changed from time to time.
 - (4) Any mobile sign greater than 9 square feet shall not be parked in one location visible from a public roadway for more than 3 consecutive days.
 - (5) The mobile sign shall not be an electronic message display (EMD) sign.
 - (6) The mobile sign shall not count against the maximum allowable sign display area or maximum number of signs per site as set out in Table 505.1.

(b) Temporary Sign Standards.

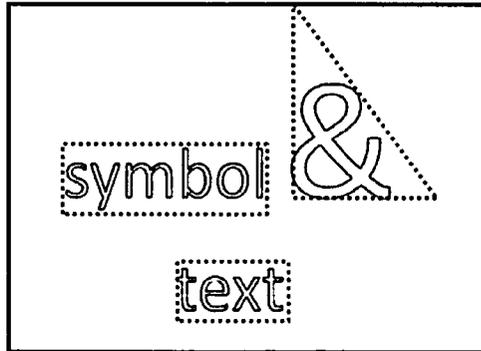
- (1) Temporary signs shall not be placed in a prohibited sign area pursuant to per Section 110.505.35, Prohibited Signs.
- (2) Temporary signs need not be affixed to the ground or building.
- (3) Temporary signs shall not be illuminated nor be an electronic message display (EMD).
- (4) The location requirements in Section 110.505.15(f), Location of Signs, shall not apply to temporary signs.
- (5) Temporary signs do not count against the maximum allowable sign display area or maximum number of signs per site as set forth in Table 505.1, but individual signs may not exceed the limitations (sign height, maximum sign display area for individual signs) as set forth in Table 505.2.
- (6) Except as provided under subsections (7) and (8) below, no temporary sign shall be placed on any site for more than 10 consecutive days. At least 90 days must elapse between any display of a temporary sign signs on any site.
- (7) If a property is currently advertised for sale or lease, a temporary sign shall be allowed until 5 days after the recordation of the sale or execution of the lease agreement. The sign is limited to the size as set forth in Table 505.2. Freestanding signs shall meet a minimum setback of five (5) feet from all property lines.
- (8) If construction is occurring on a site, a temporary sign shall be allowed until 5 days after issuance of a final inspection or a certificate of occupancy. A valid building permit for the construction is required. The sign may be up to sixteen square feet in size and shall be setback a minimum of 5 feet from all property lines.

Section 110.505.15 General Standards.

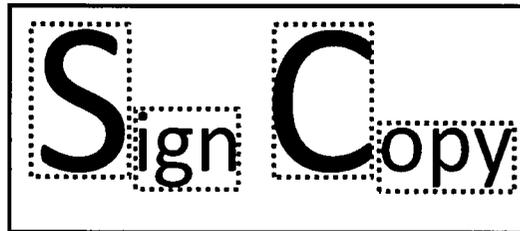
- (a) Allowable Sign Display Area. Where the allowable sign display area is a function of business frontage, no more than 2 business frontages may be counted in calculating the allowable area for any building occupant. The two business frontages shall be determined by the sign permit applicant.
- (b) Visible from a Public Roadway. Unless otherwise provided in this Article (such as exempt signs and temporary or mobile signs) any sign that is visible from a public roadway shall count towards the total number of signs allowed and allowable sign display area per site as set forth in Table 505.1 and shall comply with all applicable standards in this Article.
- (c) Sign Display Area Computation.
 - (1) Where a sign consists of copy, painted on or attached directly to a building, which are without an integrated background and are not

enclosed in a frame or cabinet, the area of the display shall be measured as the total area of the smallest height and width of a geometric shape (or combination of geometric shapes not to exceed 5 geometric shapes) that encompass the entire copy of the sign. Such geometric shapes shall only include rectangles, circles and right triangles, as generally shown with dotted lines in examples 1 through 3, below:

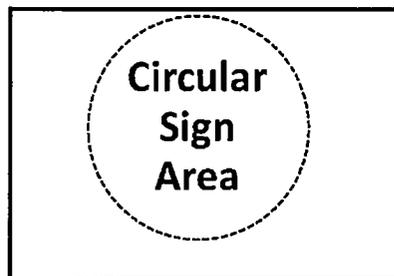
Example 1:



Example 2:



Example 3:



- (2) Where a display is enclosed in a frame or cabinet, or has an integrated background, the entire area within and including the outer edge of framework, cabinet or background must be included in the sign display area computation.
- (3) Where both signs and billboards are located on the same site, the allowable sign display area shall not be reduced by the amount of billboard's display area.

- (d) Number of Signs. Any display(s) contained within a single frame, framework, cabinet or integrated background shall be counted as one (1) sign. Multiple sign displays on a single freestanding framework are counted as one sign and are allowed if all other requirements of this section are satisfied.
- (e) Maintenance, Repair and Appearance. All signs shall be maintained in good repair and appearance. No sign, flag or banner, whether temporary or permanent, shall be torn, ripped, tattered, or in disrepair.
- (f) Location of Signs. Signs located on private property:
 - (1) Shall not extend across property lines into adjacent property or public rights-of-way or easements;
 - (2) Shall be setback a minimum of 5 feet from any property line;
 - (3) Shall not be located in a manner that would create a hazard for traffic or pedestrians;
 - (4) Shall not, for a freestanding sign, be located within 75 feet from any other freestanding sign or billboard, whether on or off the site; and,
 - (5) Shall be prohibited within any special flood hazard area as defined by any adopted flood control plan and within 300 feet of the centerline of the Truckee River.
- (g) Wall Signs. Wall signs shall not extend above the wall or surface of the building frontage to which they are attached and shall not project more than 1 foot from the wall.
- (h) Roof Signs. Roof signs shall meet all of the following criteria:
 - (1) Shall not exceed 4 feet in vertical dimension;
 - (2) Shall not extend above the upper edge of the roof, below the lower edge of the roof, or beyond any other terminating edge of the roof;
 - (3) Shall be constructed separately from the roof surface;
 - (4) Shall be mounted perpendicular to level grade and parallel to the nearest horizontal roof line; and,
 - (5) Shall have all supports enclosed or otherwise made not visible from a public roadway.
- (i) Projecting Signs. Projecting signs are permissible subject to the following criteria:
 - (1) The sign shall not extend above the wall or other surface to which it is attached.
 - (2) The sign shall not be attached to or located above a roof and must be attached perpendicular to a vertical surface.

- (j) **Maximum Height of Freestanding Sign.** A freestanding sign shall be measured from the finish grade except if a freestanding sign is located adjacent to a public roadway and the edge of the roadway is above the grade where the sign is located, then the freestanding sign will be measured from the grade of the road at the edge of pavement. If a sign is subject to NRS 278.0213 (outdoor advertising structures obstructed by noise abatement improvements), the Director may authorize an adjustment of the height or relocation of the sign as provided in Table 505.1 and only to the extent consistent with the provisions of that statute. Decisions of the Director may be appealed to the Board of Adjustment, per Article 912 of the Washoe County Development Code.
- (k) **Established Principal Use Type Required.** Except for signs regulated under Section 110.505.10, Mobile and Temporary Signs, no sign shall be erected or located on a property unless the property has an established principal use type pursuant to Section 110.505.20.
- (l) **Sign Restrictions.** Except for signs regulated under Section 110.505.65, Billboards, and except for non-commercial signs, all other signs must meet the following restrictions:
- (1) The sign shall display only messages that identify, advertise or direct attention to a business, activity, product, service or interest of a person located on the premises where the sign is located.
 - (2) The use of the sign is allowed only as long as the principal use type on the site remains active. Upon discontinuance of the principal use type, the sign shall be immediately removed.”
 - (3) Revenue shall not be collected for messages displayed on the sign.
- (n) **Illumination standards for signs that do not include electronic message displays.** Signs which include electronic message displays are governed by Section 110.505.30. For all other signs, (including freestanding and building signs) the following illumination standards apply:
- (1) No sign may use beacons, search lights, strobe lights, exposed light bulbs which are not shielded toward the sign face, blinking or flashing lights, or any form of lighting that would impair the vision of a driver on any roadway. No sign may use any form of illumination that would impair the effectiveness of any Official Sign.
 - (2) Signs that face and are within 100 feet of any properties which have a residential regulatory zone or are actually used for residential purposes must use only indirect lighting cast upon the sign from an external light source that is shielded from direct view and shall comply with all light and glare standards as set forth in Section 110.414.21, Light and Glare, of this Code.

Table 505.1 Permanent Sign Regulations by Principal Use Type of Sites

Principal Use Type of Sites ⁽¹⁾	Freestanding Signs				Building Signs	
	Max Number per Site	Max Height	Max Size per Sign	Max Sign Area per Site	Max Number per Site or Business Frontage	Max Sign Area per Business Frontage
Residential – Single Family	1 per residential dwelling unit	4 feet	4 sf	4 sf	1 per residential dwelling unit	4 sf
Residential – Multifamily & Man. Home Parks	1 per residential dwelling unit	4 feet	2 sf	2 sf	1 per residential dwelling unit	2 sf
Limited Commercial	1	6 feet	16 sf	16 sf	1 per parcel or BF	16 sf
Commercial and Retail	1 per site frontage	20 feet or Up to 30 feet with AP ⁽²⁾	120 sf or Up to 200 sf with AP ⁽²⁾	1 sf for each 1 foot of LSF	2 per BF up to 4 for any business or occupant.	2.5 sf for each 1 foot of BF
Recreation and Travel	1 per site frontage	20 feet or Up to 30 feet with AP ⁽²⁾	120 sf or Up to 200 sf with AP ⁽²⁾	1 sf for each 1 foot of LSF	2 per BF up to 4 for any single business or occupant.	2.5 sf for each 1 foot of BF
Regional Recreation, Travel and Tourism	1 per site frontage	20 feet or Up to 45 feet with SUP ⁽³⁾	120 sf or up to 300 sf with AP or over 300 sf up to 450 sf with SUP ⁽³⁾	1 sf for each foot of LSF or as approved by SUP	2 per BF up to 4 for any single business or occupant.	5 sf for each foot of BF
Manufacturing Warehousing and Industry	1 per site frontage	20 feet or Up to 25 feet with AP ⁽²⁾	120 sf or Up to 200 sf with AP ⁽²⁾	1 sf for each foot of LSF	2 per BF up to 4 for any single business or occupant.	1 sf for each 100 sf of GFA
Agricultural	1	6 feet	16 sf	16 sf	1 per building	16 sf
Civic	4 per site unless otherwise determined by approved AP ⁽²⁾	6 feet	80 sf for one sign; 40 sf for all other signs	120 sf; Over 120 sf requires AP ⁽²⁾	2 per BF up to 4 for any single occupant for all non-residential uses.	120 sf; Over 120 sf requires AP ⁽²⁾

GFA = Gross Floor Area; LSF = Linear Site Frontage;; BF = Business Frontage s.f. = square feet. AP = Administrative Permit; SUP = Special Use Permit; ⁽¹⁾The principal use types are defined in Section 110.505.20 ; ⁽²⁾Administrative Permit required pursuant to Section 110.505.40. ⁽³⁾Regional Recreation, Travel and Tourism uses may apply for a Special Use Permit for a freestanding sign that exceed the size limits of this table following the provisions of Section 110.505.40

Table 505.2 Temporary Sign Regulations by Principal Use Type

Principal Use Type of Sites ⁽¹⁾	Temporary Signs			Front Yard Setback ⁽⁴⁾
	Max Size	Max Number	Max Height ⁽³⁾	
Residential – Single Family – Less than 2 acres	6 sf per unit	1 per residential lot	6 feet	5 feet
Residential – Single Family – Between 2 acres and less than 10 acres	16 sf	1 per residential lot	6 feet	10 feet
Residential – Single Family – 10 acres or greater	32 sf	1 per residential lot	6 feet	15 feet
Residential – Multifamily & Man. Home Parks	2 sf per unit	1 per residential lot	6 feet	5 feet
Limited Commercial	16 sf	1 per parcel or bf	6 feet	10 feet
Commercial and Retail	32 sf	1 per parcel or bf	6 feet	10 feet
Recreation and Travel	32 sf	1 per parcel or bf	6 feet	10 feet
Regional Recreation, Travel and Tourism	32 sf	1 per parcel or bf	6 feet	10 feet
Manufacturing, Warehousing and Industry ⁽²⁾	32 sf	1 per parcel or bf	6 feet	10 feet
Agricultural	32 sf	1 per parcel	6 feet	10 feet
Civic	32 sf	1 per parcel or bf.	6 feet	10 feet
<i>bf = Business Frontage; sf = square feet; ⁽¹⁾ The principal use types are defined below in Section 110.505.20; ⁽²⁾ One additional temporary sign up to 100 sf may be mounted to the side of a building if the building is 25,000 sf or larger in size. ⁽³⁾ The maximum height applies to freestanding signs only. ⁽⁴⁾ If the sign does not exceed six square feet than the front yard setback shall be 5 feet off the property line.</i>				

Section 110.505.20 Principal Use Types of Sites. These principal use types only apply to Article 505:

- (a) **Residential – Single Family:** “Residential – Single Family” refers to properties containing single family uses on individual residential sites. This use type also refers to properties that allow single family uses but are currently vacant for the purpose of erecting a temporary sign.
- (b) **Residential – Multi Family and Manufactured Home Parks:** “Residential – Multifamily & Manufactured Home Parks” refers to individual units within a multi-family complex.
- (c) **Limited Commercial:** “Limited Commercial” refers to uses that generate minimal traffic require limited sign visibility and are typically located within residential districts. These use types include, but are not limited to: Family Daycare, Large Family Daycare, Group Care, Dog Training Services, custom manufacturing and Bed and Breakfast Inns.
- (d) **Commercial and Retail:** “Commercial and Retail” refers to all uses identified in Table 110.302.05.3, Commercial Use Types, of this Code that have not been

specifically identified within another defined principal use type within this section. This principal use type also includes Hospital uses.

- (e) **Recreation and Travel:** “Recreation and Travel” refers to lodging and entertainment uses. Such use types include , but are not limited to Commercial Campground Facilities/RV Parks, Destination Resorts, Indoor Entertainment, Indoor Sports and Recreation, Outdoor Sports and Recreation, Outdoor Entertainment, Hotels and Motels, Condominium Hotel, Hostels and Vacation Time Shares.
- (f) **Regional Recreation, Travel and Tourism:** “Regional Recreation, Travel and Tourism” refers to large-scale entertainment uses intended to attract crowds of 1,000 people or more per event and also include unlimited gaming facilities that attract visitors from both inside and outside of the immediate region of Washoe County. Such use types may include: Casinos with Unlimited Gaming and Outdoor Entertainment venues.
- (g) **Manufacturing, Warehousing and Industry:** “Manufacturing, Warehousing and Industry” refers to all use types identified in Table 110.302.05.4, Industrial Use Types, of this Code, with the exception of custom manufacturing use types, that have not been specifically identified within another defined principal use type within this section.
- (h) **Agricultural:** “Agricultural” refers to uses that primarily involve agricultural activities. This category includes all uses identified in Table 110.302.05.5, Agricultural, of this Code, as well as Commercial Stables, Veterinary Services – Agricultural and Wholesale Nursery Sales.
- (i) **Civic:** “Civic” refers to all uses types identified in table 110.302.05.2, Civic Use Types, of this Code, with the exception of family daycare and large family daycare use types, that have not been specifically identified within another defined principal use type within this section.

Section 110.505.25 Specialty Signs. In addition to the signs permissible in Table 505.1, one directory and one area identification sign shall be allowed per entrance as described below:

- (a) **Directory Signs.** Directory signs are permanent signs and shall be permitted at major entrances to residential, commercial, industrial or office complexes to identify occupants, addresses or building numbers for the convenience of visitors and to facilitate emergency services. Directory signs shall not exceed 6 feet in height. No more than 3 square feet shall be devoted to any single occupant. Directory signs shall be included in allowable sign-area limit computations and when calculating the number of signs on a site.
- (b) **Area Identification Signs.** Area identification signs are permanent signs and shall be permitted at major entrances to neighborhoods, subdivisions, residential complexes, shopping centers, and office or industrial complexes. Area identification signs shall not exceed 6 feet in height, nor 64 square feet in area and shall not be included in allowable sign-area computations or when calculating the number of signs on the site.
- (c) **Window Signs.** Window signs are not subject to the sign area or number limitations of this Article. The total area of all window signs in a business frontage shall not exceed 25 percent of the total area of all windows of that business

frontage. Permits are not required for any window signs. The maximum size for any illuminated window sign shall be three (3) square feet. Window signs are prohibited on the exterior of a window.

Section 110.505.30 Electronic Message Display Signs. All electronic message display (EMD) signs shall require the approval of an administrative permit by the Board of Adjustment; or a special use permit by the Board of County Commissioners if the EMD is a Regional Recreation, Travel and Tourism sign over 300 square feet in size. An EMD shall meet the following criteria unless otherwise approved by the Board of County Commissioners by means of a special use permit:

- (a) EMDs shall contain static copy only.
- (b) Static copy on the EMD must be displayed for a minimum of 20 ~~8~~ seconds with instantaneous transition from one message to the next.
- (c) Each EMD shall meet the standard building setback requirements of Article 406, Building Placement Standards, of this Code for the regulatory zone in which the sign is proposed to be located.
- ~~(d) An EMD shall only be placed along public roadways that have a minimum of four travel lanes.~~
- (e) An EMD shall not be placed within 200 feet from any residential regulatory zone property line.
- (f) An EMD shall not be placed within 200 feet from any other EMD.
- (g) An EMD shall only be located on properties with regulatory zones of General Commercial (GC), Tourist Commercial (TC), Neighborhood Commercial (NC), and Industrial (I) on parcels one acre in size or larger or on properties with regulatory zones of Public/Semi-Public Facilities (PSP) and Parks and Recreation (PR) that are ten acres or larger in size. Only one EMD shall be allowed per site.
- (h) A freestanding EMD sign structure shall not exceed ~~6~~ 12 feet in height and shall be a monument sign as defined at Section 110.505.70, Definitions, unless the EMD is placed on a property with a Regional, Recreation, Travel and Tourism use type.
- (i) Within the General Commercial (GC), Neighborhood Commercial (NC) and Industrial (I) regulatory zones, an EMD shall only be allowed within a Commercial Center as defined at Section 110.304.25(f) of this Code.
- (j) An EMD shall not exceed 50% of the allowable sign display area of signs allowed on any site per this Article and an EMD shall not exceed a maximum of 120 square feet in size.
- (k) EMDs shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot-candle meter at a pre-set distance. The pre-set distances to measure the foot-candles is calculated using the following formula: Measurement Distance =

$$\sqrt{\text{Area of Sign} \times 100}$$

The measurement distance can be rounded to the nearest whole number.

- (l) All permitted EMDs shall be equipped with a sensor or other device that automatically determines the ambient illumination and shall be either programmed to automatically dim according to ambient light conditions, or manually adjusted to comply with subsection (k) above.
- (m) All special use permit or administrative permit applications for EMDs shall include a statement by a licensed engineer certifying that the lighting will comply with the lighting standards of this Article and Code.
- (n) EMDs shall not be allowed within any designated scenic corridor or scenic byway as identified in either state statute, or in Washoe County Code or Master Plan.
- (o) Illumination Measurement Criteria:
 - (1) The illuminance of an EMD shall be measured with a light meter set to measure footcandles accurate to at least two decimals.
 - (2) Illuminance shall be measured with the EMD off, and again with the EMD displaying a solid white image for a full color capable EMD, or a solid message for a single-color EMD. Measurements shall be taken one hour after sunset.
 - (3) All measurements shall be taken facing the sign structure with the light meter pointed at the center of the EMD and measured from the edge of the travelway of the nearest public roadway or at the property line of any residential regulatory zone.

Section 110.505.35 Prohibited Signs. The following types of signs and displays are prohibited:

- (a) Signs which constitute a hazard to traffic, motorists or pedestrians.
- (b) Signs that block visibility from any intersection or driveway, as identified in Article 110.412.30, Public Safety, of this Code.
- (b) Signs which produce odor, sound, smoke, flame or other emissions.
- (c) Signs which imitate or simulate official signs, or which use blinking or intermittent lights resembling danger or warning signs.
- (d) Strobe lights or any moving beam of light.
- (e) Signs on public property or rights-of-way; signs attached to utility poles, street-light standards, trees or fences, except as provided for at Section 110.505.10 (Mobile and Temporary Signs) and Section 110.505.60 (Signs on Public and Utility Property) of this Article.
- (f) Moving signs, including wind signs and signs moved by forced air.
- (g) Vertical sail signs.
- (h) Signs prohibited by any other Washoe County Code provision.

- (i) Any billboard that is not identified on the most current billboard inventory list as adopted by resolution by the Board of County Commissioners.

Section 110.505.40 Permits and Enforcement.

- (a) A permit is required to be issued by Washoe County Building and Safety Division for the construction of any new permanent sign over 4 square feet in size and for the repair of existing signs other than routine maintenance. Sign permits shall be issued within 60 days from the date of submission of an application meeting all applicable provisions of the Washoe County Code.
 - (1) It is unlawful to erect or keep a permanent non-exempt sign whose sign display area exceeds four square feet without first obtaining a sign permit from the Washoe County Building and Safety Division. A sign permit is required after an Administrative Permit or Special Use Permit is approved by Washoe County as provided below.
 - (2) An application for a sign permit must be on forms provided and describe the location, sign display area and dimensions of the sign, and the physical characteristics of the sign (including illumination), and must include a listing of the location and display area of all other signs on the site. If the sign structure requires a building permit under the Washoe County Building Code, plans and specifications of the structure must be included. The fee established by resolution of the Board of County Commissioners must accompany the application.
 - (3) A sign permit shall be issued if the proposed sign complies with this Article, and the sign structure complies with all applicable building codes.
 - (4) If a decision on an application for a sign permit is not made and communicated to the applicant within 60 days from receipt of complete application (meeting all applicable provision of this Code) and fees, the sign permit is deemed approved, unless otherwise agreed between the applicant and the approving authority.
- (b) Administrative Permit. Except for exempt signs or signs governed by 110.505.40(c), an administrative permit pursuant to Article 808 of this Code, Administrative Permits, approved by the Board of Adjustment shall be required pursuant to the provisions of Table 505.1 for any permanent sign. In addition to the findings required by Article 808, Administrative Permits, the Board of Adjustment must find that the proposed sign complies with all the requirements of this Article.
- (c) Special Use Permit for Regional Recreation, Travel and Tourism Signs. A Special Use Permit pursuant to Article 810, Special Use Permits, of this Code may be granted by the Board of County Commissioners to increase the size and height, as is otherwise allowed in Table 505.1, for one freestanding sign, for each "Regional Recreation, Travel and Tourism" development. Before granting a special use permit, the Board of County Commissioners shall make all the findings required by Article 810 and all of the following findings:
 - (1) The freestanding sign is located immediately adjacent to an interstate highway having at least four travel lanes.

- (2) The freestanding sign is located within ¼ mile of an exit providing access to the Regional Recreation, Travel and Tourism or Unlimited Gaming development from the interstate highway.
 - (3) There is only one freestanding sign exceeding 300 square feet within ¼ mile of any exit providing access to a “Regional Recreation, Travel and Tourism” development, from the interstate highway.
 - (4) The freestanding sign is located on the same parcel of land or a parcel of land directly adjacent to the “Regional Recreation, Travel and Tourism” development.
 - (5) That the parcel upon which the freestanding sign is located has a regulatory zone of Industrial, General Commercial or Tourist Commercial.
 - (6) That all other applicable sections of the Development Code and this Article are met.
 - (7) The special use permit has been conditioned to require removal of the freestanding sign upon discontinuance of the “Regional Recreation, Travel and Tourism” principal use type.
 - (8) That approval of the special use permit for the enlarged sign will benefit the general welfare of citizens of Washoe County.
 - (9) The freestanding sign shall not be located within 500 feet from any residential regulatory zone.
- (d) Enforcement. The Director may commence any enforcement proceeding authorized under Article 910, Enforcement, of this Code regarding any sign which is not consistent with any of the provisions of this Article.

Section 110.505.45 Continued Use and Maintenance of Nonconforming Outdoor Advertising Displays and Framework. If a sign is a “nonconforming outdoor advertising structure” as defined by, and within the meaning of, NRS 278.0215, the provisions of Sections 110.505.50 and 110.505.55 shall apply to the sign in the same manner as those sections would apply to any other non-conforming sign under this Article except:

- (a) If removed, the displays and framework may not be relocated to another site; and,
- (b) To the extent that any provision in this Code conflicts with state statute, Nonconforming Outdoor Advertising structures are subject to the requirement that compensation must be paid if the sign is ordered removed or routine maintenance is not authorized as provided in that statute.

Section 110.505.50 Continued Use and Maintenance of Nonconforming Signs.

- (a) Use and routine maintenance authorized. A non-conforming sign or a nonconforming outdoor advertising display and framework may be used and maintained in accordance with this section until the right is terminated as provided in section 110.505.55.

- (b) No changes. A nonconforming sign shall not be changed to an EMD and there must be no change in the size, height, location or materials, and no enhancement to the nonconforming sign.
- (c) Conformance with applicable law. The nonconforming sign must have complied with and must continue to comply with all requirements that were in effect at the time the sign was erected including any requirements in any special use permit, variance, or other approval for the sign or the use of land.
- (d) Maintenance required. Maintenance can and must be regularly performed on all nonconforming signs so that they are kept in good and nonhazardous condition in accordance with standards set out in this Article. A building permit may be required before repairs or maintenance are performed.

Section 110.505.55 Termination of Nonconforming Use/Maintenance Rights. A nonconforming sign shall be removed or brought into conformity with this Article when any of the following events or circumstances occurs.

- (a) Destruction. Destruction or damage of a nonconforming sign in excess of 50 per cent of its material structural value as a result of :
 - (1) A natural disaster, including, without limitation, a fire, flood, earthquake, windstorm, rainstorm, and snowstorm; or,
 - (2) An event that is within the control of the owner of the sign.

A nonconforming sign damaged by an act of third party vandalism or other cause beyond the control of the owner of the sign may be repaired. Proof of vandalism in the form of a Washoe County Sheriff's report must be submitted to Washoe County.

- (b) Termination of lease or right to use land. A nonconforming sign shall be removed or brought into conformance upon the expiration or termination of any land lease, license, or other right to use the land on which a nonconforming sign is located.
- (c) Abandoned Sign. A sign shall be determined to be abandoned when there has been no copy displayed for 12 months. A notice shall be sent to the property owner stating that the sign is apparently abandoned and that they have 30 days to remedy the problem, by coming into conformance with the Development Code. After that time period, removal of the sign will be enforced as provided in Article 910, Enforcement, of this Code.
- (d) Development or redevelopment of land. If property is being developed or redeveloped with a new or a changed use(s), a public hearing is required before a sign may be ordered to be removed.
- (e) Discretionary Approval(s). If an existing sign is not in compliance with the provisions of a discretionary action such as a special use permit, variance, etc., the Director may order the sign removed or brought into compliance. Orders of the Director are subject to appeal pursuant to Section 110.912.10 of this Code.

- (f) **Hazard.** As determined by the Director, after consultation with a licensed professional engineer, that a nonconforming sign has become a public safety hazard, the Director may order repairs or removal as follows. Orders of the Director are subject to appeal pursuant to Section 110.912.10 of this Code.
- (1) **Repairs.** The Director may order repairs to the nonconforming sign if in the reasonable judgment of the Director, the cost of the repairs would be less than 50 per cent of the sign's material structural value. To the extent necessary to remove the hazardous condition, the Director may order a change in the size, height, location or materials used in the nonconforming sign, but shall not order any enhancement to the nonconforming sign that increases illumination and/or the visual effect of the sign.
 - (2) **Removal.** The Director may order removal of the sign if, in the reasonable judgment of the Director, the cost of repairs would exceed 50 per cent of the sign's material structural value, or if repairs are ordered and the order is not complied with.

Section 110.505.60 Signs on County Property.

- (a) **Signs Prohibited.** No person may erect a sign on or over real or personal property, easements or rights-of-way owned by Washoe County unless exempted pursuant to Section 110.505.05(b), Exemptions.
- (b) **Removal.** Any sign found erected contrary to the provisions of this section shall be removed by Washoe County. Advance notice of removal need not be given. The removed signs must be stored for thirty (30) days. During that period, the sign must be made available to the owner and must be returned upon payment of the cost incurred in the removal.
- (c) **Additional Regulations for Signs on County Property.** Unless otherwise prohibited by law, any person may carry any flag, any hand held sign and any sign worn on clothing:
 - (1) Anywhere in the Washoe County administration complex;
 - (2) In any Washoe County building, parking lot or area adjacent to any Washoe County owned or occupied building;
 - (3) In any Washoe County park; or,
 - (4) In any other part of a Washoe County property that is considered a "traditional public forum" as defined by controlling law.

Otherwise, only Washoe County may place a sign on any property, right of way or easement owned or occupied by Washoe County. The Washoe County Manager or any person or persons designated by the County Manager may authorize a County sign to be placed on Washoe County property for locational, directional, traffic control or public safety, health and welfare purposes. Any other sign must be authorized by the Board of County Commissioners.

Section 110.505.65 Billboards. Billboards are signs larger than 450 square feet in size and/or are identified on the most current billboard inventory as adopted by resolution by the Board of

County Commissioners and maintained by the Community Services Department, Planning and Development Division. Signs on the billboard inventory are legal nonconforming billboards as these billboards do not comply with the standards established in table 505.1 of this Article. Additionally, all such billboards shall comply with Sections 110.505.45, 110.505.50 and 110.505.55 of this Article. The Director of the Planning and Development Division shall maintain and modify the approved billboard inventory to reflect changes in jurisdictions (i.e. annexations, rollback of sphere of influences, etc.) and removed billboards.

Section 110.505.70 Definitions.

Area Identification Sign. “Area identification sign” means a permanent sign used to identify a neighborhood, subdivision, commercial or office complex, industrial district or similar distinct area of the community.

Billboard. “Billboard” means any sign larger than 450 square feet and/or identified in the most current billboard inventory list as maintained by the Washoe County Community Services Department. The total number of permitted billboards is determined by the most current billboard inventory adopted by resolution by the Board of County Commissioners and maintained by the Washoe County Community Services Department.

Building Frontage. “Building frontage” means the length of the face or wall of a completely enclosed building which fronts directly on a public roadway.

Building Sign. Refer to “wall sign”.

Business Frontage. “Business frontage” means the length of the ground floor building frontage occupied by an individual building occupant. An occupant may have more than one (1) business frontage if it occupies building frontage facing on two (2) or more public roadways.

Copy. “Copy” means letters, numbers, language, symbols or pictures.

Directional Sign. “Directional sign” means a permanent sign which directs the flow of traffic or pedestrians.

Director. “Director” means the Director of the Planning and Development Division of the Community Services Department of Washoe County or his/her designee.

Directory Sign. “Directory sign” means a sign, or a group of signs designed as a single display, which gives information about the location of businesses, buildings or addresses within a residential, office, commercial or industrial complex.

Electronic Message Display (EMD). “Electronic message display” means a sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

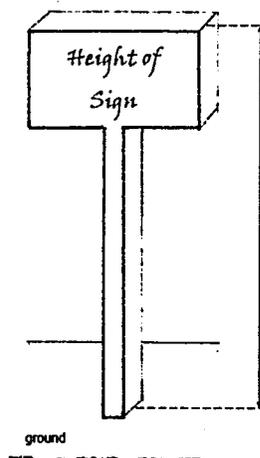
Erect. “Erect” means to arrange, build, construct, attach, hang, paint, place, suspend, affix or otherwise establish a sign.

Flashing Sign. “Flashing sign” means a sign which uses blinking, flashing or intermittent illumination or light reflectors, either direct, indirect or internal.

Freestanding Sign. “Freestanding sign” means a sign which is supported by its own framework apart from a building and which is not regulated as a billboard.

Gross Floor Area. "Gross floor area" means the total horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of exterior walls, or from the centerline of a common wall separating two building, but excluding any space with a floor-to-ceiling height of less than 6 feet 6 inches.

Height of Sign. "Height of sign" means the vertical distance from the topmost part of a sign to the finish grade at the base of the sign.



Holiday Decoration. "Holiday decoration" means any display commonly associated with a local, state, national or religious holiday, and which is not left in place for more than forty-five (45) consecutive days during any single observance.

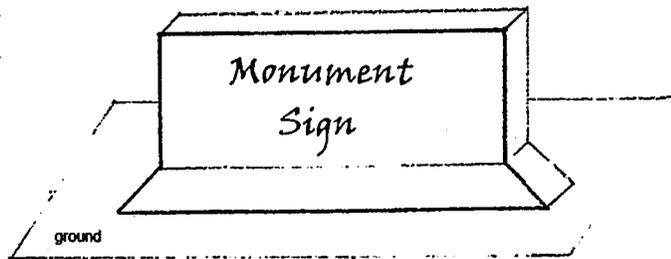
Linear Site Frontage. "Linear site frontage" means the linear dimension of a site abutting on a public roadway.

Material Structural Value. "Material structural value" means the cost of labor and material necessary to erect a sign. The terms does not include any revenue or expenses related to the lease of real property upon which the sign is located.

Maximum Sign Display Area. "Maximum sign display area" means the total sign display area permitted per Table 505.1.

Mobile Sign. "Mobile sign" means a sign supported by a sign framework that is mounted on wheels, skids or other device designed to make the framework conveniently movable or portable. Mobile signs include vehicles, trailers and frameworks not structurally attached to the ground or a building.

Monument Sign. "Monument sign" means a freestanding sign generally having a low profile with little or no open space between the ground and the sign copy.



Moving Sign. "Moving sign" means any sign which includes visible moving or rotating parts or beam of light.

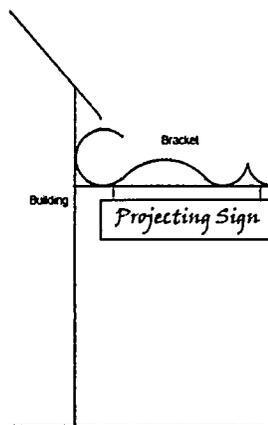
Nonconforming Outdoor Advertising Display and Framework. "Nonconforming outdoor advertising display and framework" as defined in NRS 278.0215(7).

Nonconforming Sign. "Nonconforming sign" means a sign which was constructed or erected in conformance with all applicable county ordinances and codes in effect on the date the sign was first displayed but which does not conform subsequently because of a change to the County codes or ordinance.

Official Sign. "Official sign" means any sign erected by or at the direction of a governmental agency.

Permanent Sign. "Permanent sign" means any sign which is designed, constructed and affixed at the site in such a manner that it cannot be conveniently moved from place to place.

Projecting Sign. "Projecting sign" means a sign which is supported by a decorative bracket or hanger and extends at right angles from the face of a building. This definition shall also include any sign which, because of its shape or thickness, extends more than 12 inches from the face of a building when mounted flat against the face of the building.

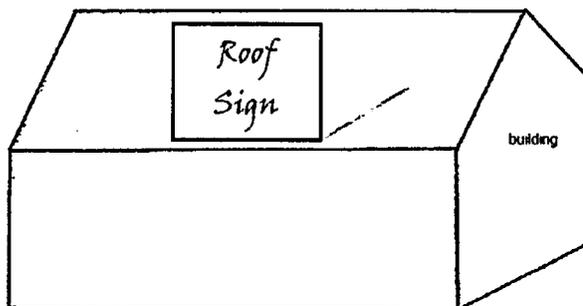


Public Roadways. "Public roadways" means a street or highway that is improved, designed or ordinarily used by the public for vehicular travel and which is shown upon any plat, subdivision, addition, parcel map or record of survey of any county, city, town or portion thereof duly recorded or filed in the office of the county recorder, and which is not specifically designated as a private road or a nonpublic road.

Repair of a Sign. "Repair of a sign" means the replacement of framework and support material of an existing sign with the same material with no change in the support system of the existing sign.

Residential Lot. "Residential lot" means any parcel of land or building used exclusively for residential purposes. Residential lots may also include any accessory buildings, uses and exterior space that are ancillary to the residential use.

Roof Sign. "Roof sign" means a sign painted on, supported by or attached to the roof or roof structure of a building. This definition does not include a sign attached flat against the wall of a penthouse, or other integral part of a building, which projects above the main roof.



Routine Maintenance. "Routine maintenance" means normal repair and upkeep of the structural integrity and appearance of a sign or outdoor advertising display framework. The term does not include any increase in the size or height of the sign or sign framework or any addition or enhancement to the the sign or sign framework that increases the visual effect of the display and/or framework or increases the impact on the use of the land in that area around the display and/or framework. Such improvements are classified as non-routine maintenance.

Sign. "Sign" means (i) a device, including but not limited to a pennant, flag, vertical sail, wind sign, forced air tube, sound speaker, or light whether or not it contains copy, displayed for the purpose of attracting attention, or (ii) a visual display of copy designed to identify, announce, entertain, direct, advertise, or communicate information. If the device or display is part of a sign structure, the term "sign" includes the framework.

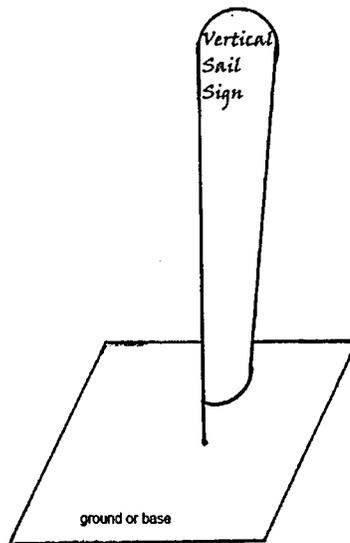
Sign Display Area. "Sign display area" means the part or parts of the sign which contains copy.

Sign Framework. "Sign framework" means those parts of a sign designed to support it in place but does not include the area of the sign display.

Site. "Site" means any parcel of land which includes any unit or contiguous units of land in the possession of or recorded as the property of one person.

Temporary Sign. "Temporary sign" means any non-illuminated sign not designed to be permanently attached to a building or structure, or anchored to the ground, and intended to be displayed for a limited amount of time and then removed.

Vertical Sail Signs. "Vertical sail signs" means signs of varying shapes and sizes, single or double sided, that are usually attached to a single pole, but may have a two pole design, that are staked into the ground or weighted on hard surfaces, and that move in the wind. Commonly referred to as flying banners, wind sail signs, feather flags, vertical flags, flutter flags or vertical sail signs. Most are of fabric type material and can be used indoors but are primarily used outdoors to promote retail establishments, grand openings or attract visitors from the roadway.



Wall Sign. "Wall sign" means a sign which is painted on, supported by or attached to a wall or other vertical surface of a building.

Wind Sign. "Wind sign" means any sign, part of a sign or series of signs, designed or erected in such a manner as to move when subjected to wind pressure or forced air.

Window Sign. "Window sign" means any sign that is placed inside a window and is visible from the exterior of the window.

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REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT:~~ DELETE LANGUAGE

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Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

SUMMARY: *An ordinance amending Washoe County Code, Chapter 110, Development Code to amend Article 500 - Signs: Title and Contents; to remove Article 502 - Billboard Regulations and Article 504 - Sign Regulations; and to adopt new Article 505 (Sign Regulations)..*

BILL NO. _____

ORDINANCE NO. _____

An ordinance amending the Washoe County Code at Chapter 110 (Development Code) to amend Article 500 - Signs: Title and Contents; to remove Article 502 - Billboard Regulations and Article 504 - Sign Regulations; and to adopt new Article 505 (Sign Regulations)

WHEREAS:

- A. Changes to Division 5 (Signs) of the Washoe County Development Code (Chapter 110) are desired to combine billboard and sign regulations into one article and simplify the regulations and impose content neutrality to sign regulations.
- B. As authorized by Washoe County Code Section 110.818.05, the Washoe County Planning Commission initiated amendments to the Development Code for Division Five by Resolution on February 3, 2015. The Planning Commission held a duly noticed public Hearing for DCA14-009 on April 7, 2015, and

adopted a resolution recommending adoption of this ordinance.

C. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DOES ORDAIN:

SECTION 1. Division Five - Signs, of the Washoe County Code and Article 500, Signs: Title and Contents, of the Washoe County Code, are hereby amended to read as follows.

Division Five - Signs

CONTENTS

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Billboard Regulations	502-1
Sign Regulations	504-1
Sign Regulations	505-1

Article 500

SIGNS: TITLE AND CONTENTS

Sections:

110.500.00	Title
110.500.05	Contents

Section 110.500.00 Title. Division Five of Chapter 110, Development Code, is entitled Signs.

Section 110.500.05 Contents. Division Five consists of the following articles:

- (a) ARTICLE 500 SIGNS: TITLE AND CONTENTS
- ~~(b) ARTICLE 502 BILLBOARD REGULATIONS~~
- ~~(c) ARTICLE 504 SIGN REGULATIONS~~
- (b) ARTICLE 505 SIGN REGULATIONS**

SECTION 2. Article 502, Billboard Regulations, of the Washoe County Code, as previously adopted and proposed for replacement in its entirety by the text provided in Section 4 of this Ordinance.

Article 502

BILLBOARD REGULATIONS

Sections:

140.502.00	Purpose
140.502.05	Definitions
140.502.10	General Standards
140.502.15	Permits: General Requirements
140.502.20	Permit Issuance and Standards for New Signs
140.502.23	Bus Shelters
140.502.25	Bringing a Nonconforming Sign into Conformance
140.502.30	Continued Use of Nonconforming Signs
140.502.35	Termination of Right to Use Nonconforming Sign
140.502.40	Total Number of Off-Premise Signs Permitted in Unincorporated Portion of Washoe County
140.502.45	Community Development Director's and County Building Official's Powers; Right of Entry
140.502.50	Building Permit Issuance and Conditions
140.502.55	Sign Inspection and Responsibilities
140.502.60	Violations
140.502.65	Substitution Clause
140.502.70	Discontinued Billboard

Section 140.502.00 Purpose. ~~The purpose of this article, Article 502, Billboard Regulations, is to establish a comprehensive system for the regulation of the commercial use of billboards. It is intended that these regulations:~~

- ~~(a) — Impose reasonable standards on the number, size, height and location of billboards and facilitate the removal or replacement of nonconforming signs in order to:
 - ~~(1) — Prevent and relieve needless distraction and clutter resulting from excessive and confusing sign displays;~~
 - ~~(2) — Safeguard and enhance property values; and~~
 - ~~(3) — Promote the public safety and general welfare.~~~~
- ~~(b) — Promote the location of billboards in appropriate locations for the purposes of advertising the region's economy to visitors to the area and providing useful public service messages to residents of the County.~~

- ~~(c) Provide one of the tools essential to the preservation and enhancement of the environment, thereby protecting an important aspect of the economy of the County which is instrumental in attracting those who come to live, visit, vacation and trade while providing appropriate opportunities to local and national advertisers and public service organizations to present their message.~~
- ~~(d) Eliminate hazards to pedestrians and motorists brought about by distracting signs.~~
- ~~(e) Improve, enhance and preserve the appearance and other aesthetic qualities of the County while providing the opportunity to businesses and public service organizations to provide their message to visitors and residents.~~

~~[Amended by Ord. 1019, provisions off. 6/5/98; Ord. 1152, provisions off. 3/22/02; Ord. 1288, provisions off. 3/24/06.]~~

~~**Section 110.502.05 Definitions.** As used in Sections 110.502.00 through 110.502.75, unless the context otherwise requires, the words and terms defined in this article have the meanings ascribed to them in each section.~~

~~**Abandoned Sign.** "Abandoned sign" means a sign which does not display a currently valid advertising message or has not been maintained in accordance with the provisions of this article for a period in excess of ninety (90) days following legal notice to the owner of the property and the owner of the advertising display. This definition shall also include any sign structure which no longer supports the sign for which it was designed.~~

~~**Advertising Display.** "Advertising display" means any arrangement of material or symbols erected, constructed, carved, painted, shaped or otherwise created for the purpose of advertising or promoting the interests of any person or other entity, located in view of the general public and visible from a public street. Advertising display includes signs, billboards, posters, graphic advertising messages, advertising copy, accessory signs and similar displays, the purpose of which is to sell entertainment, goods or services.~~

~~**Area of a Sign.** "Area of a sign" means the sum total of the geometric areas of the display surfaces which make up the total sign or advertising display. Necessary supports or uprights are excluded.~~

~~**Building Official.** "Building official" means the County building official of Washoe County and his/her duly authorized deputies.~~

~~**Bus Shelter.** "Bus shelter" means a structure that may be enclosed and may have one or more bus benches and that provides protection from the weather for riders of a public transportation system and which is installed and maintained by a public transportation operator.~~

~~**Community Development Director.** "Community Development Director" means the person appointed as the chief executive officer of the Washoe County Community Development Department and his/her duly authorized agents.~~

~~**Copy.** "Copy" means that portion of a sign or advertising display that is made up of language, letters, numbers or symbols that state a message.~~

~~**Cut out.** "Cut out" means that portion of a sign that is attached to a sign, but which is outside the rectangular or square frame of the sign.~~

~~Display Surface. "Display surface" means the area made available by the sign structure for the purpose of displaying the advertising message or display.~~

~~Elevated Roadway Structure. "Elevated roadway structure" means a traffic carrying structure elevated over other streets, structures, railroad tracks or a natural physical feature.~~

~~Erect. "Erect" means to arrange, build, construct, attach, hang, paint, place, suspend, affix or otherwise establish an advertising display.~~

~~Height of Sign. "Height of sign" means the vertical distance measured from the adjacent street grade or upper surface of the nearest curb of a street or highway other than an elevated roadway, to the highest point of a sign or advertising display.~~

~~Illuminated Advertising Display. "Illuminated advertising display" means display illumination derived entirely from an external artificial source arranged so that no direct rays of light project into residences or streets.~~

~~Nonconforming Outdoor Advertising (Billboard) Structure. "Nonconforming outdoor advertising structure" means an outdoor advertising structure (billboard) which is constructed or erected in conformance with all applicable local ordinances or codes in effect on the date a building permit is issued for the outdoor advertising structure and which does not conform subsequently because of a change to the local ordinances or codes. The term does not include an outdoor advertising structure that is authorized by a special use permit, conditional use permit, variance, waiver, condition of zoning or other approval for the use of land if, when the special use permit, conditional use permit, variance, waiver, condition of zoning or other approval for the use of land was first approved, the special use permit, conditional use permit, variance, waiver, condition of zoning or other approval for the use of land was limited by a specific condition which allowed or required the governing body of the city or County to conduct a review of the structure.~~

~~Off-Premise Sign or Outdoor Advertising Structure (Billboard). "Off premise sign or outdoor advertising structure" means any sign, display, billboard or other device that is designed, intended or used to advertise or inform readers about services or goods produced or sold on property other than the property upon which the sign, display, billboard or other device is erected.~~

~~Permanent Sign. "Permanent sign" means any sign, permanently affixed at the site, which, from the nature and effect of its proposed composition, construction, message to be carried or its proposed placement, is intended for continuous display for a period of time greater than sixty (60) calendar days.~~

~~Premises. "Premises" means a parcel of property.~~

~~Public Transportation Operator. "Public transportation operator" means an operator of a bus system with fixed routes that is enabled by state statute to operate a public bus system.~~

~~Reconstruction. "Reconstruction" means the replacement of frame and support material of an existing sign with different material (e.g. replacement of wood material with metal material) and/or the changing of the support structure of an existing sign from one type of support system to a different support system (e.g. replacement of a lattice support with a monopole).~~

~~Repair. "Repair" means the replacement of frame and support material of an existing sign with the same material with no change in the support system of the existing sign.~~

~~**Routine Maintenance.** "Routine maintenance" means normal repair and upkeep of the structural integrity and appearance of a nonconforming outdoor advertising structure. The term does not include an increase in the size or height of the structure or any addition or enhancement to the structure that increases the visual effect of the structure or increases the impact of the use of the land in the area around the structure.~~

~~**Sign.** "Sign" means any arrangement of material or symbols erected, constructed, carved, painted, shaped or otherwise created for the purpose of advertising or promoting the interests of any person, persons, firm, corporation or other entity by conveying an advertising message or attracting the attention of the public and which is located in view of the general public and visible from a traveled way. Sign includes advertising displays, billboards, posters, graphic advertising messages, advertising copy and similar displays, all parts of such device, including its structure and supports and also includes balloons, banners, pennants, flags, lights, reflectors, reflected lights, streamers or other devices which are used to attract the attention of the public, whether or not they convey a specific advertising message.~~

~~[Section 110.502.05 entitled "Applicability" deleted and Section 110.502.05 entitled "Definitions" added by Ord. 1019, provisions eff. 6/5/98. Amended by Ord. 1152, provisions eff. 3/22/02; Ord. 1186, provisions eff. 12/20/02; Ord. 1288, provisions eff. 3/24/06.]~~

~~**Section 110.502.10 General Standards.**~~

- ~~(a) — **Display Surface.** Where an advertising display consists of individual letters, symbols or other such components, and where such components are without an integrated background definition or are not within a single circumscribed frame area, it shall be deemed circumscribed by a line frame and shall not exceed the square foot limitation imposed by this article or by a retention permit or a special use permit issued pursuant to this article.~~
- ~~(b) — **Maintenance, Repair and Appearance.** All advertising displays and advertising structures shall be maintained in a proper state of repair and preservation. Structures shall consist of minimum guy wire and iron or other structural elements necessary to conform to code. Display surfaces shall be neatly painted or posted.~~

~~[Amended by Ord. 889, provisions eff. 11/29/93. Section 110.502.10 entitled "Chapter 105" deleted and Section 110.502.10 entitled "General Standards" added by Ord. 1019, provisions eff. 6/5/98. Amended by Ord. 1152, provisions eff. 3/22/02.]~~

~~**Section 110.502.15 Permits: General Requirements.**~~

- ~~(a) — **Building Permit Required.** Except as otherwise provided in Section 110.502.20, it is unlawful for any person to erect, enlarge, alter (except for normal maintenance or repair) or relocate within the County any advertising display or advertising structure without having obtained a building permit from the building official, except as provided in Section 110.502.23.~~
- ~~(b) — **Additional Information Required.** An application for a building permit shall include in addition to any information required for the building permit application:
 - ~~(1) — Name, address and telephone number of the owner of the property, and a statement signed by the owner or authorized representative permitting the advertising display or advertising structure;~~~~

- (2) ~~Name, address and telephone number of the applicant (owner of the advertising display or structure);~~
- (3) ~~Name, address, telephone number and license number of the licensed contractor;~~
- (4) ~~A plot plan indicating the location of the building, structure, lot or parcel of property to which or upon which the advertising display is to be erected, including data showing building and property frontages; and~~
- (5) ~~Two (2) copies of a plan showing:

 - (i) ~~The position of the advertising display or structure in relation to adjacent structures or buildings;~~
 - (ii) ~~The design size and type of materials to be used;~~
 - (iii) ~~The size and location of all on-premise signs within fifty (50) feet of either side of the proposed off-premise sign; and~~
 - (iv) ~~The location of stakes identifying boundaries of the proposed sign.~~~~
- (c) ~~Structural Engineering. The Building and Safety Department may require structural engineering plans to ensure compliance with the Washoe County Building Code.~~
- (d) ~~Business License. Owners or applicants who are in the business of constructing advertising structures or leasing such structures for advertising purposes shall provide evidence that they have a valid business license from the licensing authority of the County.~~

~~[Added by Ord. 1019, provisions off. 6/5/98. Amended by Ord. 1152, provisions off. 3/22/02; Ord. 1186, provisions off. 12/20/02.]~~

~~**Section 110.502.20 Permit Issuance and Standards for New Signs.** Each of the following standards must be complied with as part of the approved plans for an approved building permit:~~

- (a) ~~Size and Height of Billboard; Number of Faces. A billboard shall not exceed the following height and size requirements, or the number of faces:

 - (1) ~~A billboard shall not exceed thirty five (35) feet in height above the grade of the road to which it is oriented and may not exceed fifty (50) feet in height above the foundation grade of the sign.~~
 - (2) ~~A billboard shall not exceed six hundred seventy two (672) square feet in size, except as provided in this section.~~
 - (3) ~~Each face of a billboard may have a cut-out attached to the face of the sign, the size of the cut-out may not exceed ten (10) percent of the rectangular or square face of the sign to which it is attached.~~
 - (4) ~~A billboard may not contain more than two (2) sides on which a message is attached and one (1) side may not be angled from the other side by more than twenty (20) degrees as measured from the back of the structure supporting the side.~~~~

~~(5) A billboard may not be stacked upon another off-premise or on-premise sign.~~

~~(b) Spacing Requirements. A billboard shall conform to the following spacing standards:~~

~~(1) Spacing Between Billboards. The distance between billboards shall conform to the following:~~

~~(i) A billboard shall not be closer than one thousand (1,000) feet to another conforming or nonconforming billboard located on the same side of the road, street or highway.~~

~~(ii) A billboard shall not be closer than one thousand (1,000) feet to another conforming or nonconforming billboard located on an intersecting street and when the signs are on the same side of the street where the intersection of the two (2) streets occurs.~~

~~(iii) For the purposes of measuring the distance between billboards, the measurement shall be parallel to the streets on which the signs are located.~~

~~(iv) No more than two (2) billboards may exist at the intersection of streets and the signs shall be located diagonally opposite each other at the intersection of streets.~~

~~(2) Spacing Between Billboards and On Premise Signs. A billboard shall not be closer than fifty (50) feet to an existing free-standing sign regulated by Sections 110.504.40 through 110.504.70.~~

~~(3) Spacing from Residential Regulatory Zones. A billboard shall not be closer than five hundred (500) feet to an established residential regulatory zone that is Rural, Suburban, Urban or the General Rural Agricultural (GRA) or General Rural (GR) Regulatory Zones.~~

~~(4) Spacing from Streams and Drainages; Truckee River. A billboard shall conform to the following spacing requirements from streams, drainages and the Truckee River:~~

~~(i) A billboard shall not be located within any stream or drainage channel where the sign or advertising display might be deluged and swept under any structure or against any supports of any road, street or highway structure.~~

~~(ii) A billboard shall not be located within three hundred (300) feet of the centerline of the Truckee River or within three hundred (300) feet of the outer boundary of any area designated as Truckee River Greenbelt or open space adjacent to the Truckee River.~~

~~(5) Spacing from Public, Semi-Public Buildings and Spaces. A billboard shall not be located at any location which fronts on any street within two hundred (200) feet of any property which is used for a public park, public school, church, courthouse, building used for County services, or public museum which fronts on the same street.~~

- ~~(c) — Location Requirements. A billboard shall conform to the following location requirements:~~
- ~~(1) — Permitted Roadway Segments. A billboard shall only be located adjacent to and be visible from the following roads and portions of roads:
 - ~~(i) — Gerlach-Nixon Highway (SR 447);~~
 - ~~(ii) — Longley Lane;~~
 - ~~(iii) — McCarran Boulevard, except for the segment between Interstate 80 west of Reno and South Virginia Street;~~
 - ~~(iv) — Sullivan Lane;~~
 - ~~(v) — That portion of West Fourth Street (SR 647) east of the intersection with Intersection 80;~~
 - ~~(vi) — That portion of U.S. 395 and Interstate 580 located south of the intersection with Red Rock Road and north of the northern most intersection of U.S. 395/Interstate 580 and South Virginia Street located at Nevada Department of Transportation structure 11799 at mile post IR 580-WA 21.64;~~
 - ~~(vii) — That portion of North Virginia Street located south of the intersection with Stead Boulevard and that portion of South Virginia Street north of the intersection with the Mt. Rose Highway (SR 431);~~
 - ~~(viii) — That portion of Interstate 80 from mile post IR 080-WA 1.9E to IR 080-WA 2.6W; and~~
 - ~~(ix) — That portion of Interstate 80 from the intersection with Mae Anne Drive to the Lyon County line.~~~~
 - ~~(2) — Permitted Regulatory Zones. A billboard shall only be located in the following regulatory zones: General Commercial (GC), Tourist Commercial (TC) and Industrial (I) as established pursuant to this article.~~
- ~~(d) — Aesthetic Requirements. A billboard shall conform to the following aesthetic standards:~~
- ~~(1) — Lighting of the sign shall be low-level and indirect, no strobe lighting or lighting that would impair the vision of a driver shall be permitted;~~
 - ~~(2) — Earth-tone colors shall be used to paint the support(s) of the structure and the frame around the sign;~~
 - ~~(3) — The minimum number of supports shall be used to provide support of the sign frame;~~
 - ~~(4) — No signs made of canvas shall be permitted;~~
 - ~~(5) — No sign may have streamers, balloons, pennants, banners, or wind-driven devices as part of the sign or attached to the sign;~~
 - ~~(6) — No sign may emit a noise via an artificial device;~~

- ~~(7) — No sign may emit smoke, fire or odor;~~
- ~~(8) — No sign or portion of a sign may simulate the appearance of an official sign; and~~
- ~~(9) — No sign may emit blinking lights that simulate a warning or stop light.~~
- ~~(e) — No Variances to Standards. Except as permitted in Section 110.502.45, no variance application shall be accepted to alter the standards of this article.~~
- ~~(f) — Prohibition on the Erection of New Signs. Until all nonconforming billboards are removed, no new billboard may be erected pursuant to this section.~~

~~[Added by Ord. 1019, provisions eff. 6/5/98. Amended by Ord. 1152, provisions eff. 3/22/02, Ord. 1288, provisions eff. 3/24/06; Ord. 1475, provisions eff. 1/12/12.]~~

Section 110.502.23 Bus Shelters.

- ~~(a) — Off-Premise Advertising Display Permitted. Off premise advertising copy may be permitted on any bus shelter that is installed and maintained by a public transportation operator. No building permit shall be required for the installation of a bus shelter installed by a public transportation operator.~~
- ~~(b) — Limitation on Permitted Advertising Display. The following shall apply to the area that may be used for off premise advertising display:

 - ~~(1) — Advertising copy shall only be permitted on bus shelters installed by a public transportation operator.~~
 - ~~(2) — Advertising copy shall not obstruct the ability of a bus operator to view riders who wish to board a bus, nor shall advertising copy obstruct riders from safely exiting a bus.~~
 - ~~(3) — Advertising copy may not exceed a total of sixty four (64) square feet at each bus shelter location.~~
 - ~~(4) — Advertising copy on a bus shelter may not exceed the size of the panel on which it is affixed and no one panel may have advertising copy that exceeds thirty two (32) square feet in size.~~~~
- ~~(c) — Limitation of Off-Premise Signs. The number of bus shelters installed by a public transportation operator that may have advertising copy shall not count toward the number of off premise signs permitted by Section 110.502.40(a).~~
- ~~(d) — Installation of Bus Shelters. The installation of bus shelters by a public transportation operator that may contain advertising shall not be prohibited pursuant to Section 110.502.20(f).~~

~~[Added by Ord. 1186, provisions eff. 12/20/02.]~~

Section 110.502.25 Bringing a Nonconforming Billboard into Conformance. To bring a nonconforming billboard into conformance with the provisions of this article, the sign owner shall satisfy the permit issuance and standards for new billboards as enumerated in Section 110.502.20.

[Added by Ord. 1019, provisions off. 6/5/98; Ord. 1288, provisions off. 3/24/06.]

Section 110.502.30 Continued Use of Nonconforming Billboards. An advertising display which becomes nonconforming as the result of the adoption of this article may be continued, repaired or reconstructed pursuant to the following requirements:

- (a) ~~Alteration of Nonconforming Sign.~~ A nonconforming sign shall not be altered in its location, size or height, except as provided in paragraph (b) through (e) of this section.
- (b) ~~Damage of Nonconforming Sign by Natural Causes.~~ A nonconforming sign damaged by wind or other natural causes to an extent less than fifty one (51) percent of its replacement value, as determined by a member of the American Institute of Real Estate Appraisers selected by the building official, may be repaired or reconstructed. If the building official determines that an appraisal is necessary to satisfy the requirements of this section, he/she shall notify the owner of the sign who shall give him/her written authorization to hire an appraiser and acknowledge owner's responsibility to pay all fees incurred as a result thereof. No permit for repair or reconstruction of the damaged sign shall be issued until the building official is presented with satisfactory evidence that the appraisal fees have been paid.
- (c) ~~Damage of Nonconforming Sign by Vandalism.~~ A nonconforming display which is damaged or destroyed as a result of vandalism or other malicious act may be repaired or reconstructed. Upon request of the building official, the owner of the sign shall provide evidence that a report to the Sheriff was made regarding the alleged vandalism.
- (d) ~~Routine Maintenance of Nonconforming Sign.~~ Routine maintenance of a nonconforming sign may occur only after notification of the Building and Safety Department that said repairs are being undertaken and that said maintenance meets the definition of routine maintenance as defined in this article.
- (e) ~~Reconstruction of Nonconforming Sign.~~ A nonconforming sign may be reconstructed providing the following occurs:
 - (1) Prior to any reconstruction work, the sign owner provides to the building official a complete set of as-built plans detailing the size, height, location of the current nonconforming sign and materials of which the current off-premise sign is constructed; type of material to be used in the reconstruction of the sign; and the anticipated dates of reconstruction.
 - (2) No change in the location of the sign, no change in the height of the sign (except to reduce its height) and no change in the size of the sign (except to reduce its size).
 - (3) A notarized statement from the sign owner that no increase in value of the sign will be claimed in any future proceedings due to the reconstruction of the sign.
 - (4) A notarized statement from the sign owner acknowledging that reconstruction of the sign does not affect the termination of the right to use the nonconforming sign as enumerated in Section 110.502.35.
- (f) ~~Building Permit Required for Reconstruction, Notification Required for Repair or Routine Maintenance.~~ A building permit shall be applied for and issued prior to any reconstruction of a nonconforming sign. No building permit shall be required for repair or routine maintenance of a nonconforming sign, but prior to any repair work or routine

~~maintenance occurring, the sign owner shall notify the building official of his intent to repair or perform routine maintenance on the nonconforming sign and shall advise the building official of the extent of the repairs or maintenance.~~

~~[Added by Ord. 1019, provisions eff. 6/5/98. Amended by Ord. 1152, provisions eff. 3/22/02; Ord. 1288, provisions eff. 3/24/06.]~~

Section 110.502.35 Termination of Right to Use Nonconforming Billboard.

- ~~(a) — Cessation of Right to Maintain Abandoned Sign. The right of a person to maintain an abandoned, nonconforming sign shall terminate following his/her receipt of notification that the Building and Safety Department or succeeding agency has deemed the sign abandoned.~~
- ~~(b) — Damage of Nonconforming Sign by Natural Causes. A nonconforming sign damaged by wind or other natural causes to an extent greater than fifty (50) percent of its replacement value, as determined by a member of the American Institute of Real Estate Appraisers selected by the building official, shall not be reestablished. If the building official determines that an appraisal is necessary to satisfy the requirements of this section, he/she shall notify the owner of the sign who shall give him/her written authorization to hire an appraiser and acknowledge owner's responsibility to pay all fees incurred as a result thereof. No permit for reconstruction of the damaged sign shall be issued until the building official is presented with satisfactory evidence that the appraisal fees have been paid.~~
- ~~(c) — Removal Due to Approval of Development Application. A nonconforming sign may be ordered removed if the parcel on which the sign is located is the subject of a building permit application and after a public hearing is conducted.~~
- ~~(d) — Public Hearing Required. A public hearing before the Planning Commission shall be noticed and conducted pursuant to the provisions for a public hearing for a special use permit (Refer to Article 810, Special Use Permits) before a nonconforming sign may be ordered removed pursuant to subsection (c) above. When determining that a nonconforming sign must be removed, the Planning Commission shall find that the continuation of the location of the nonconforming sign is not compatible with the proposed development for the property as submitted under an application enumerated in subsection (c) above.~~
- ~~(e) — Responsibility for Removal. Responsibility for removal of an abandoned, nonconforming sign rests with the owner of the sign or the owner of the property upon which the sign is constructed.~~

~~[Added by Ord. 1019, provisions eff. 6/5/98. Amended by Ord. 1152, provisions eff. 3/22/02; Ord. 1288, provisions eff. 3/24/06.]~~

Section 110.502.40 Total Number of Billboards Permitted in Unincorporated Portion of Washoe County.

- ~~(a) — Limitation to Number of Permitted Signs. Notwithstanding the total number of conforming locations that may be permitted for new signs as provided in Section 110.502.20, Permit Issuance and Standards for New Signs, the total number of billboards existing in the unincorporated portion of Washoe County shall not exceed one hundred nine (109) at any one time.~~

- ~~(b) Limitation Based on Inventory of Existing Signs. The total number of permitted billboards enumerated in paragraph (a) of this section is determined by an inventory completed on January 31, 2002 of all existing conforming and nonconforming signs located in the unincorporated portion of Washoe County and confirmed by the Board of County Commissioners on December 10, 2002, the date of an amendment to this article.~~
- ~~(c) Adjustment of Limitation. The total number of permitted billboards enumerated in paragraph (a) of this section shall be reduced each time by the number of off-premise signs and permitted billboard locations that are incorporated within the corporate boundaries of the City of Reno or City of Sparks.~~
- ~~(d) No Entitlement. Notwithstanding the total number of permitted signs enumerated in paragraph (a) of this section, no entitlement to the maximum number of signs enumerated in this section is extended to any current or future owner of an off-premise sign through the provisions of this section. The retention of the location of current nonconforming signs and the provision of locations for new, permitted signs is strictly governed by the location standards enumerated in this article.~~

~~[Added by Ord. 1019, provisions eff. 6/5/98. Amended by Ord. 1152, provisions eff. 3/22/02; Ord. 1186, provisions eff. 12/20/02; Ord. 1288, provisions eff. 3/24/06.]~~

Section 110.502.45 Community Development Director's and County Building Official's Powers; Right of Entry.

- ~~(a) Authority. The building official and the Director of Community Development and his/her agents are authorized and directed to enforce all the provisions of this article. The Director of Community Development may, in his/her sole discretion, permit variations in spacing and height requirements if undue hardship is shown. No variation shall exceed ten (10) percent of spacing and height limitations imposed by this article.~~
- ~~(b) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the building official or Director of Community Development or his/her agents have reasonable cause to believe that there exists a condition which makes a sign unsafe, he/she may enter the premises upon which such sign is located at all reasonable times to inspect the sign or to perform any duty imposed by this article, provided that:

 - ~~(1) If the premises upon which the sign is located are occupied, he/she shall first present proper credentials and demand entry; and~~
 - ~~(2) If the premises are unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the premises and demand entry.~~

~~— If such entry is refused, the building official or Director of Community Development or his/her agents may pursue every remedy provided by law to secure entry.~~~~
- ~~(c) Failure to Permit Entry. Any owner or occupant or any other person having charge, care or control of any building or premises who fails or neglects, after proper demand is made as provided by this article, promptly to permit entry therein by the building official or Director of Community Development or his/her agents for the purpose of inspection and examination pursuant to this section shall have violated this article.~~

~~[Added by Ord. 1019, provisions eff. 6/5/98. Amended by Ord. 1152, provisions eff. 3/22/02.]~~

Section 110.502.50 Building Permit Issuance and Conditions.

- ~~(a) **Permit Issuance.** The application, plans and specifications, and other data filed by an applicant for a building permit shall be reviewed by the Department of Community Development. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the Department of Community Development finds that the work described in an application for a building permit and the plans, specifications and other data filed therewith conform to the requirements of this article and that the fees specified in this section have been paid, a building permit shall be issued to the applicant within twenty (20) days of receipt of the building permit application. An applicant shall be advised in writing within twenty (20) days of receipt of the building permit application of any deficiencies of information submitted with the application and what would be required to cure those deficiencies. The applicant may then resubmit the application and will receive a decision within twenty (20) days. An applicant shall have six (6) months from the date of issuance of the building permit to commence work pursuant to the building permit, or all approvals are null and void. Once a building permit has been issued and exercised, all work shall be done in accordance with the approved plans unless the building official and the Community Development Director have given authorization for any changes or alterations.~~
- ~~(b) **Plan-Check Fee.** Every person who applies for a building permit under the provisions of this article shall submit to the Building and Safety Department with his/her application a plan-check fee established by the Board of County Commissioners.~~
- ~~(c) **Permit Number; Address; Owner.** On granting a permit for a billboard, the building official shall assign a permit number and address which shall be painted on every sign erected pursuant to the permit. The sign shall also identify the owner of the sign.~~
- ~~(d) **Validity of Permit.** The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this article or any other law or ordinance. A permit presuming to give authority to violate or cancel the provisions of this article or any other law shall not be valid except to the extent the work of use which it authorizes is lawful.~~
- ~~(e) **Suspension or Revocation.** The building official may, upon service of a written notice, suspend or revoke a permit issued pursuant to the provisions of this article wherever the permit is issued:~~
- ~~(1) On the basis of incorrect information supplied by the applicant; or~~
- ~~(2) In violation of any state statute, any provision of this article or any other ordinance or regulation.~~
- ~~(f) **Stop Work Order.** Whenever any advertising display or structure is being erected or maintained contrary to the provisions of this article, the building official may order the work stopped by serving the permittee or owner of the property or by posting a notice on the work being done. The owner or person responsible for the performance of such work shall promptly cease performing any work on the advertising display or structure until the building official gives him authority to proceed.~~

~~[Added by Ord. 1019, provisions off. 6/5/98. Amended by Ord. 1152, provisions off. 3/22/02; Ord. 1288, provisions off. 3/24/06.]~~

Section 110.502.55 Sign Inspection and Responsibilities.

- (a) ~~Inspection.~~ Every advertising display or advertising structure erected in the County is subject to inspection by the building official or Community Development Director to assure compliance with the provisions of this article.
- (b) ~~Responsibility.~~ The owner of the advertising display or advertising structure is responsible for its proper construction, maintenance, repair and compliance with the provisions of this article.

[Added by Ord. 1019, provisions eff. 6/5/98. Amended by Ord. 1152, provisions eff. 3/22/02.]

Section 110.502.60 Violations.

- (a) ~~Procedure for Violations.~~ Any advertising display or structure erected or maintained, or any use of property contrary to the provisions of this article, is unlawful and a public nuisance. The following procedure applies to enforcement of the provisions of this article:
 - (1) ~~In the event of a violation of this article, the building official or Director of Community Development shall deliver to the person or persons in violation of this article a "Notice of Violation (Order to Comply and Abatement Order)" ordering the persons to comply with the provisions of this article within ten (10) days of receipt of the notice.~~
 - (2) ~~Upon failure of the persons in violation to comply, the building official or Director of Community Development may issue to the persons in violation a citation to appear before any justice's court within the County and may refer a copy of the citation to the District Attorney for commencement of an action or actions for the abatement, removal and enjoinder of such violation as a public nuisance pursuant to Chapter 125 of the Washoe County Code, and the institution of a criminal action in the manner provided by law.~~
- (b) ~~Remedies.~~ All remedies provided for in this article are cumulative and not exclusive. The conviction and punishment of any person under this article do not relieve such person from the responsibilities of correcting conditions or removing prohibited sign displays and structures that are in violation of this article.
- (c) ~~Penalties.~~ Any person violating any of the provisions of this article or any applicable provisions of the Uniform Building Code is guilty of a separate offense for each day or a portion thereof during which a violation of any of the provisions of this article is committed, continued or permitted, and upon conviction for any such violation shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than six (6) months, or by both fine and imprisonment.

[Added by Ord. 1019, provisions eff. 6/5/98. Amended by Ord. 1152, provisions eff. 3/22/02.]

Section 110.502.65 Substitution Clause. Notwithstanding any other provision of this article to the contrary, any noncommercial message may be substituted for a commercial message on any billboard permitted by this article, and any other commercial message may be substituted for any noncommercial message on any billboard permitted by this article.

[Added by Ord. 1152, provisions eff. 3/22/02; Ord. 1288, provisions eff. 3/24/06.]

Section 110.502.70 Discontinued Billboards.

- (a) ~~Removal of Discontinued Billboards. Any billboard or billboard structure which has been discontinued for a period of six (6) months shall be removed or restored to use within thirty (30) days after a notice that the billboard has been discontinued is issued to the owner of the sign. Notice shall be given by the Director of Community Development using certified mail. The Director of Community Development may allow a discontinued billboard or billboard structure to remain in place; provided that the billboard or billboard structure is maintained in good condition, and that there is a reasonable possibility that the billboard can be restored to use within a one (1) year period.~~

- (b) ~~Criteria for Establishing That a Billboard Has Been Discontinued. A billboard or billboard structure shall be considered discontinued when any of the following occurs:~~
 - (1) ~~Any copy thereon is out of date.~~

 - (2) ~~The structure no longer supports a billboard or the billboard no longer contains an advertising display.~~

 - (3) ~~The billboard structure or advertising display is visibly damaged or partially missing.~~

[Added by Ord. 1288, provisions eff. 3/24/06.]

[Section 110.502.30 entitled "Exempt Advertising Displays", Section 110.502.35 entitled "Prohibited Signs" and Section 110.502.60 entitled "Appeals Procedure" added by Ord. 1019, provisions eff. 6/5/98 and repealed by Ord. 1152, provisions eff. 3/22/02.]

SECTION 3. Article 504, Sign Regulations, of the Washoe County Code, as previously adopted and proposed for replacement in its entirety by the text provided in Section 4 of this Ordinance.

Article 504

SIGN REGULATIONS

Sections:

- 110.504.00** ~~_____~~ **Title; Effect; Construction**
- 110.504.05** ~~_____~~ **Purpose**
- 110.504.10** ~~_____~~ **Definitions**
- 110.504.15** ~~_____~~ **General Standards**
- 110.504.20** ~~_____~~ **Permits and Enforcement**
- 110.504.25** ~~_____~~ **Regulated Signs; Variance**
- 110.504.30** ~~_____~~ **Exempted Signs**
- 110.504.35** ~~_____~~ **Prohibited Signs**
- 110.504.40** ~~_____~~ **Signs Requiring a Special Use Permit**
- 110.504.45** ~~_____~~ **Special Standards by Type of Sign**
- 110.504.50** ~~_____~~ **Special Standards by Zone**
- 110.504.55** ~~_____~~ **On-Premise Sign Credits; Types; Computation**
- 110.504.60** ~~_____~~ **Nonconforming Signs**

~~110.504.65~~ ~~Abandoned Signs~~
~~110.504.70~~ ~~Signs on Public and Utility Property~~

~~**Section 110.504.00 Title; Effect; Construction.** This article supplements other articles of this division and supersedes any conflicting articles or sections. These sections shall be liberally construed to effect the purpose of reducing the number and size of signs, and to effect the purpose of advancing the declaration of Section 110.504.05, Purpose. These sections may not be construed or applied in such a way that would give a preference or greater degree of protection to a sign conveying a commercial message than is given to a sign similarly situated and constructed conveying a noncommercial message. These sections must be construed to apply to all signs irrespective of the commercial or noncommercial character of the content, except that specific types of commercial signs are to be regulated more strictly. Any ambiguity or question shall be resolved by allowing a noncommercial sign the same benefits, exemptions and other preferences that may be given to a commercial sign similarly constructed and situated, or by imposing on such commercial sign the same restriction imposed on the noncommercial sign similarly constructed and situated. These sections apply to existing signs and to proposed signs. Proposed signs for which construction has not lawfully begun, but for which an application has been made or for which a permit has been issued, must conform to these sections.~~

~~[Added by Ord. 1035, provisions off. 8/28/98.]~~

~~**Section 110.504.05 Purpose.**~~

- ~~(a) The purpose of this article, Article 504, Sign Regulations, is to establish a comprehensive control of the erection and relocation of signs, except for those signs regulated pursuant to Article 502, Billboards. It is intended that these regulations:~~
- ~~(1) Impose standards on the number, size, height and location of signs other than billboards and facilitate the removal or replacement of nonessential or nonconforming signs in order to:
 - ~~(i) Prevent and relieve needless distraction and clutter resulting from excessive and confusing sign displays;~~
 - ~~(ii) Safeguard and enhance property values; and~~
 - ~~(iii) Promote the public safety and general welfare.~~~~
 - ~~(2) Provide one of the tools essential to the preservation and enhancement of the environment, thereby protecting an important aspect of the economy of the County which is instrumental in attracting those who come to live, visit, vacation and trade.~~
 - ~~(3) Eliminate hazards to pedestrians and motorists brought about by distracting signs.~~
 - ~~(4) Improve, enhance and preserve the appearance and other aesthetic qualities of the County.~~

- (b) ~~The types of signs for which a special use permit is required have a potential substantially greater than other types of signs for creating needless distraction and clutter, confusion and hazards, and for impairing and destroying property values and the appearance and aesthetic qualities of the area, and for adversely affecting the environment.~~

[Added by Ord. 1035, provisions eff. 8/28/98. Amended by Ord. 1288, provisions eff. 3/24/06.]

Section 110.504.10 Definitions. As used in Sections 110.504.00 through 110.504.70, unless the context otherwise requires, the words and terms defined in this article have the meanings ascribed to them in each section.

~~**Abandoned Sign.** "Abandoned sign" means a sign which does not display a currently valid advertising message or which has not been maintained in good repair. This definition shall also include any sign structure which no longer supports the sign for which it was designed.~~

~~**Administrator.** "Administrator" means the Director of Community Development of Washoe County or his authorized representative.~~

~~**Advertising Display.** "Advertising display" means the copy, symbols, logotype or graphics on a sign which convey the advertising message.~~

~~**Advertising Message.** "Advertising message" means any copy, symbol, logotype or graphics which identify, promote or advertise any product, service, business, institution or interest of any person.~~

~~**Allowable Sign Area.** "Allowable sign area" means the total sign area permitted under this article for any site or business.~~

~~**Amortization.** "Amortization" means the elimination of nonconforming signs over a period of time intended to allow the owner to realize the value of his investment in the sign.~~

~~**Animated Sign.** "Animated sign" means a sign which uses lights or mechanical devices to simulate or create the effect of motion in the advertising display.~~

~~**Architectural Graphic.** "Architectural graphic" means a painted design, mural, relief, mosaic or similar feature which is incorporated into the architectural design of a building and conveys no advertising message.~~

~~**Area Identification Sign.** "Area identification sign" means a permanent, decorative sign used to identify a neighborhood, subdivision, commercial or office complex, industrial district or similar distinct area of the community.~~

~~**Building Frontage.** "Building frontage" means the length of the face or wall of a completely enclosed building which fronts directly on a public street or other public area.~~

~~**Business Frontage.** "Business frontage" means the length of building frontage occupied by an individual building occupant. An occupant may have more than one (1) business frontage if it occupies building frontage facing on two (2) or more streets or public areas.~~

~~**Civic Display.** "Civic display" means a temporary display of banners, balloons, flags, lights or similar decorations erected on a public street or other public property in connection with a holiday, civic event or celebration.~~

Commercial Sign. “Commercial sign” means, when describing the content of a sign, a sign advertising, identifying, directing attention to, or otherwise relating to commerce and to property, goods or services for sale, lease, exchange or any other transaction where value is given or received by any party to the transaction. Noncommercial sign means, when describing the content of a sign, a sign not conforming to the definition of a commercial sign.

Community Director Sign. “Community director sign” means a sign, or a group of signs designed as a single display, which gives information about local churches or civic organizations.

Directional Sign. “Directional sign” means a permanent sign which directs the flow of traffic or pedestrians on private property and which contains no advertising message.

Directory Sign. “Directory sign” means a sign, or a group of signs designed as a single display, which gives information about the location of businesses, buildings or addresses within a residential, office, commercial or industrial complex.

Flashing Sign. “Flashing sign” means a sign which uses blinking, flashing or intermittent illumination or light reflectors, either direct, indirect or internal.

Frontage. See “building frontage”, “business frontage” and “site frontage”.

Freestanding Sign. “Freestanding sign” means a sign which is supported by its own structure apart from a building, but which is not regulated as a billboard.

Fuel Price Sign. “Fuel price sign” means a sign which displays prices of various types of gasoline or diesel fuel available at a service station. A fuel price sign may include a brand name if it does not occupy more than one third (1/3) of the area of the advertising display.

Gaming. “Gaming” means that the occupant of the premises holds and exercises a valid nonrestricted gaming license issued by the State of Nevada, that the occupant actually conducts all gaming activities allowed by the license, and that the occupant holds a valid gaming license and business license issued by the County.

Height. “Height” means the vertical distance from the topmost part of a sign to the grade of the nearest building or street other than an elevated street.

Holiday Decoration. “Holiday decoration” means any display commonly associated with a local, state, national or religious holiday, and which is not left in place for more than forty five (45) days during any single observance.

Indirect Illumination. “Indirect illumination” means illumination which is cast on a sign from a source outside the sign with the source of the light shielded from direct view.

Indoor Poster. “Indoor poster” means a temporary sign or poster displayed inside a window for a period not to exceed thirty (30) days to provide information about a specific product, price, event or activity.

Inflatable Sign. “Inflatable sign” means any device which is supported by air pressure or inflated with air or gas which is used to attract the attention of the public, whether or not it displays any specific advertising message.

Internal Illumination. “Internal illumination” means illumination produced by a light source contained within a sign and not directly visible from outside.

~~Kiosk. "Kiosk" means a structure not exceeding six (6) feet in any horizontal dimension or twelve (12) feet in vertical dimension which is used to provide surfaces for the posting of notices.~~

~~Logo. "Logo" means a graphic symbol representing an activity, use or business, or supporter of a non-profit organization or educational institution. Permitted logo types shall be symbols commonly used, including registered trademarks, and may include lettering in addition to graphic designs.~~

~~Mobile Sign. "Mobile sign" means a sign supported by a sign structure that is mounted on wheels, skids or other device designed to make the structure conveniently movable or portable. Mobile signs include vehicles, trailers and frameworks not structurally attached to the ground or a building.~~

~~Moving Sign. "Moving sign" means any sign which includes visible moving or rotating parts or beam of light.~~

~~Neighborhood Bulletin Board. "Neighborhood bulletin board" means any surface outside a building provided specifically to allow the posting of notices.~~

~~Nonconforming Sign. "Nonconforming sign" means any sign which was lawfully erected prior to the adoption of this article, or amendments thereto, which would not be permitted under the current provisions of this article. This definition shall include signs which were erected without a special use permit and which would require a special use permit under the current provisions of this article.~~

~~Official Sign. "Official sign" means any sign erected by or at the direction of a governmental agency.~~

~~Off-Premise Directional Sign. "Off premise directional sign" means any sign which directs the public to a building, business, institution or activity not located on the same site as the sign. This definition does not include any sign which displays an advertising message other than the name, phone number and address of the building, business, institution or activity.~~

~~Off-Premise Sign (Billboard). "Off premise sign" (billboard) means any sign which identifies, advertises or directs attention to a business, activity, product, service or interest of any person not located on the premises where the sign is located and that is regulated by Article 502, Billboards.~~

~~On-Premise Sign. "On-premise sign" means any sign which identifies, advertises or directs attention to a business, activity, product, service or interest of any person located on the premises where the sign is located.~~

~~Permanent Sign. "Permanent sign" means any sign which is designed, constructed and affixed at the site in such a manner that it cannot be conveniently moved from place to place.~~

~~Person. "Person" means a natural person or any organization, association or entity having an existence recognized by law.~~

~~Portable Sign. "Portable sign" means any sign which is designed and constructed in such a manner that it can conveniently be moved from place to place. This definition shall include cardboard, paper, fabric, canvas and plastic banners and flags.~~

~~Premises. "Premises" means a single parcel of land.~~

~~Projecting Sign. "Projecting sign" means a sign which is supported by a decorative bracket or hanger and extends at right angles from the face of a building. This definition shall also include any sign which, because of its shape or thickness, extends more than twelve (12) inches from the face of a building when mounted flat against the face of the building, but shall not include a marquee which is designed as an integral part of a building.~~

~~Project Sale Sign. "Project sale sign" means a sign which is erected for the purpose of promoting the sale or lease of property in a residential, office, commercial or industrial project on the site where the sign is located, and which is under construction or has been substantially complete for less than one (1) year.~~

~~Real Estate Sign. "Real estate sign" means a sign offering for sale, rent or lease the real property on which it is located.~~

~~Roof. "Roof" means a horizontal or sloping surface of a building which serves as a cover for the building or its entry, portico or other appurtenances. This definition includes any part of a building which resembles a roof in form or function.~~

~~Roof Sign. "Roof sign" means a sign painted on, supported by or attached to the roof or roof structure of a building. This definition does not include a sign attached flat against the wall of a penthouse, or other integral part of a building, which projects above the main roof.~~

~~Sign. "Sign" means a design or device displayed to the public for the purpose of identifying, advertising or promoting the interests of any person, persons, firm, corporation or other entity by conveying an advertising message or attracting the attention of the public. This definition includes all parts of such device, including its structure and supports and also includes balloons, banners, pennants, flags, lights, reflectors, reflected lights, streamers or other devices which are used to attract the attention of the public, whether or not they convey a specific advertising message.~~

~~Sign Structure. "Sign structure" means those parts of a sign designed to support it in place.~~

~~Site. "Site" means a lot or parcel, or contiguous lots or parcels of land on which a building or complex of buildings is located.~~

~~Site Frontage. "Site frontage" means the linear dimension of a site abutting on a public or private street right-of-way.~~

~~Supporter. "Supporter" means an individual, institution, company or organization that provides assistance to a non-profit organization or educational institution in the furtherance of that organization's/institution's primary mission. Assistance may be, but not limited to, funding, equipment and/or volunteer staff.~~

~~Suspended Sign. "Suspended sign" means a sign supported from, located below, and completely covered by a building soffit or permanent canopy.~~

~~Temporary Sign. "Temporary sign" means a sign made of paper, cardboard, cloth, plastic or similar material having limited durability if exposed to the elements; a sign, irrespective of its durability, intended for display for less than one hundred (100) days or only until the scheduled event it advertises or relates to has happened. Temporary signs do not include signs carried by a natural person, or changing copy on permanent signs lawfully erected and maintained.~~

~~Time and Temperature Sign.~~ "Time and temperature sign" means a sign which displays only the current time, temperature, and/or news of current events and carries no advertising message. A time and temperature sign shall not be considered a flashing or animated sign.

~~Wall Sign.~~ "Wall sign" means a sign which is painted on, supported by or attached to a wall or other vertical surface of a building.

~~Wind Sign.~~ "Wind sign" means any sign, part of a sign or series of signs, designed or erected in such a manner as to move when subjected to wind pressure. Wind sign does not include "suspended signs".

~~[Added by Ord. 1035, provisions eff. 8/28/98. Amended by Ord. 1213, provisions eff. 9/19/03; Ord. 1288, provisions eff. 3/24/06.]~~

~~Section 110.504.15 General Standards.~~

- (a) ~~Allowable Sign Area.~~ Where the allowable sign area is a function of business frontage, no more than two (2) business frontages may be counted in calculating the allowable area for any building occupant.
- (b) ~~Sign Area Computation.~~
- (1) ~~Except for signs covered by Sections 110.504.25 through 110.504.40, the allowable sign area shall apply to the maximum geometric area of all sign faces visible from any one (1) point at eye level. Where an on-premise sign consists of individual letters, numbers or symbols, painted on or attached directly to a building, which are without an integrated background and are not enclosed in a frame or cabinet, the area of the display shall be the average height of the display times the average width. If such a display consists of more than one (1) line of component, the area of each line or component may be calculated separately. Where a display is enclosed in a frame or cabinet, or has an integrated background, the entire area within the frame, cabinet or background must be included.~~
- (2) ~~Where both on-premise signs and billboards are located on the same site, the allowable on-premise sign area shall not be reduced by the amount of billboard sign area.~~
- (c) ~~Number of Signs.~~ The number of signs located on any business frontage shall not exceed two (2), exclusive of freestanding signs and suspended signs. Except in the Tourist Commercial (TC) Regulatory Zone and General Commercial (GC) Regulatory Zone that has gaming, the number of signs visible from any one (1) point at eye level shall not exceed four (4), exclusive of freestanding signs and suspended signs, for any single business or building occupant. In the Tourist Commercial (TC) Regulatory Zone and General Commercial (GC) Regulatory Zone that has gaming, the number of signs visible from any one (1) point at eye level shall not exceed six (6). Any advertising display contained within a single frame, cabinet or integrated background shall count as one (1) sign. If a display is not so contained, a single message or business name shall be counted as one (1) sign. A business name combined with a brief slogan may be counted as one (1) sign if the elements are visually integrated. Multiple signs on a single freestanding structure are allowed if the other requirements of paragraph (b) and this paragraph are satisfied; provided, that all signs supported by a single structure are visually compatible with one another.

~~(d) — Freestanding Signs.~~

~~(1) — A special use permit shall be required for any freestanding sign structure greater than six (6) feet in height on a site less than one (1) acre in size, and for any freestanding sign structure in excess of one (1) for each nine (9) acres of site area or fraction thereof. A special use permit is required for any freestanding sign, irrespective of the size of the premises, if the sign is greater than twenty (20) feet in height.~~

~~(2) — The number and height of on-premises freestanding signs may be increased by sign credits without a special use permit, even if a special use permit, if applied for, is denied, provided that the height may not exceed ten (10) percent of the maximum heights for the applicable zone.~~

~~(e) — Maintenance, Repair and Appearance. All signs shall be maintained in good repair and shall be neat in appearance. Any sign which is determined by the administrator to be unsafe or unsightly because of bent, broken or missing parts or poor maintenance generally may be declared a public nuisance.~~

~~(f) — Location of Signs. Signs located on private property shall not extend across property lines into adjacent property or public rights-of-way. Signs may be located within, or project into, setbacks, except that no sign may be located in a manner that would create a hazard for traffic or pedestrians. A freestanding sign may not be located less than fifty (50) feet from another freestanding sign, whether on or off the premises, except that a new on-premise sign may be located within fifty (50) feet of an existing billboard if the billboard is subject to removal under the terms of a scenic easement recorded in accordance with Section 110.504.55, Sign Credits; Types; Computation.~~

~~(g) — Wall Signs. Wall signs may not extend above or beyond the wall or surface to which they are attached and may not project more than one (1) foot from the wall.~~

~~(h) — Roof Signs. Roof signs may not exceed four (4) feet in vertical dimension, may not be mounted on roofs having a pitch of less than 3 in 12, may not extend above the upper edge of the roof, below the lower edge of the roof, or beyond any other terminating edge of the roof. Roof signs must be constructed separately from the roof surface, must be mounted perpendicular to level grade and parallel to the nearest horizontal roof line, and must have all supports enclosed or otherwise made not visible from a public street or other public area.~~

~~(i) — Projecting Signs. Projecting signs are allowed subject to the following conditions:~~

~~(1) — The sign may not extend above the wall or other surface to which it is attached.~~

~~(2) — The sign may not be attached to or located above a roof and must be attached perpendicular to a vertical surface.~~

~~(j) — Freestanding Off-Premise Signs. A freestanding sign shall be permitted and regulated as an on-premise sign if the premises being advertised abuts and is under the same ownership as the premises where the sign is located and if the premises where the sign is located and all connection premises are legal parcels on which a structure other than a sign can be built or occupied.~~

~~[Added by Ord. 1035, provisions eff. 8/28/98. Amended by Ord. 1288, provisions eff. 3/24/06.]~~

Section 110.504.20 Permits and Enforcement.

- ~~(a) Permit Required. Except as otherwise provided in this article, it is unlawful for any person to erect, enlarge, alter or relocate any sign without first having obtained a sign permit and paying the permit fees.~~
- ~~(b) Application for Permit. Application for a sign permit shall be made on forms provided by the County and shall include, or be accomplished by, the following:
 - ~~(1) Name, address, telephone number and signature of the property owner.~~
 - ~~(2) Name, address and telephone number of the applicant (owner of the sign).~~
 - ~~(3) Name, address and telephone number of the contractor.~~
 - ~~(4) A plot plan showing the boundaries of the parcel on which the sign(s) is to be located, as well as the location of the sign(s) and all structures on the site. Parking, landscaping and other site features shall also be indicated.~~
 - ~~(5) Drawings of the proposed sign(s) showing the design, dimensions, mounting height, materials of construction and structural details.~~
 - ~~(6) Drawings of all existing signs on the site showing their sizes and locations and the total area of all existing signs.~~
 - ~~(7) Any other information deemed necessary by the administrator or his representative.~~~~
- ~~(c) Issuance of Permits. When all requirements of this article and the Washoe County Code have been satisfied and all fees paid, a sign permit shall be issued by the administrator or his representative.~~
- ~~(d) Fees. Fees for sign permits shall be based upon valuations and penalties contained in Chapter 100 of this code.~~
- ~~(e) Inspection. Any sign which is subject to this article shall be inspected by County inspectors to insure compliance with this article and Chapter 100.~~
- ~~(f) Suspension and Revocation. Any permit issued in error, or in reliance on a falsified application, may be revoked by the administrator. Any sign erected or partially erected under a permit issued pursuant to a falsified application may be ordered removed at the owner's expense.~~
- ~~(g) Enforcement. Any sign which is erected, altered, enlarged or relocated without a valid sign permit is a violation of this article and is subject to the penalties and abatement procedures contained in the Washoe County Code.~~

{Added by Ord. 1035, provisions off. 8/28/98.}

Section 110.504.25 Regulated Signs; Variance.

- ~~(a) All signs regulated by this article that are erected or located in the County, which are not exempted by Section 110.504.30, Exempted Signs, are subject to the provisions of this article as to their location, size, height, type and function. Engineering and construction~~

of signs are subject to Chapter 100. Types of signs which are not specifically mentioned are permitted subject to the regulations contained in this article.

- (b) — The Director of Community Development may, in his sole discretion, permit variations not exceeding ten (10) percent of spacing and height requirements if undue hardship is shown in the manner required by Section 110.804.25, Findings, of this code.

[Added by Ord. 1035, provisions off. 8/28/98. Amended by Ord. 1288, provisions off. 3/24/06.]

Section 110.504.30 Exempted Signs. Except to the extent they are subject to special standards, the following types of signs and displays are not subject to the provisions of this article and need not be included in any aggregate area computations:

- (a) — Official traffic control or regulatory signs, signals or devices, street name signs or other signs required by law.
- (b) — Changes in copy or advertising display on an existing sign which do not alter the structure, size or configuration of the sign. Not exempted is the change of an off-premise sign to an on-premise sign or the change of an on-premise sign to an off-premise sign.
- (c) — Holiday decorations.
- (d) — Safety or caution signs, legal notices, public utility signs.
- (e) — Memorial tablets, plaques or markers of bronze, stone or concrete.
- (f) — "Open", "Closed", "No Trespassing", "Warning" and similar signs not exceeding two (2) square feet.
- (g) — Address numbers or plates and residential nameplates.
- (h) — Civic displays.
- (i) — Flags, emblems or insignia of any nation, state or political subdivision, provided that they do not number more than three (3), that the individual surface area is not greater than sixty (60) square feet, and that the supporting structures are not greater than the larger of twenty (20) feet high or ten (10) feet more than the permitted height for a freestanding sign. Such signs not exempted are counted and regulated in accordance with this article.
- (j) — Indoor posters.
- (k) — Architectural graphics.
- (l) — Signs which are located within a structure and not visible from a public street, sidewalk or alley or other public area.
- (m) — Directional signs.
- (n) — Time and temperature signs.
- (o) — Stationary lights which illuminate a building or adjacent grounds and do not directly illuminate another sign; and lights which outline building features and are not part of the integrated background or outline of a sign.

~~[Added by Ord. 1035, provisions eff. 8/28/08.]~~

~~**Section 110.504.35 Prohibited Signs.** The following types of signs and displays are prohibited:~~

- ~~(a) Signs which constitute a hazard to traffic or pedestrians.~~
- ~~(b) Signs located within any stream or drainage channel.~~
- ~~(c) Mobile signs or portable signs unless carried by a natural person or by a motor vehicle as provided in Section 110.504.45, Special Standards by Type of Sign.~~
- ~~(d) Three dimensional figures of humans or animals.~~
- ~~(e) Signs which produce odor, sound, smoke, flame or other emissions.~~
- ~~(f) Signs which imitate or simulate official signs, or which use yellow or red blinking or intermittent lights resembling danger or warning signs.~~
- ~~(g) Strobe lights or individual light bulbs exceeding 75 watts, if rays of light project directly from the source into residences or streets, or any moving beam of light.~~
- ~~(h) Signs on public property or rights-of-way; signs attached to utility poles, street light standards, trees or fences.~~
- ~~(i) Wind signs, other than those exempted.~~
- ~~(j) Moving signs.~~

~~[Added by Ord. 1035, provisions eff. 8/28/08.]~~

~~**Section 110.504.40 Signs Requiring a Special Use Permit.** The following types of signs are allowed only when approved by special use permit reviewed by the Board of Adjustment:~~

- ~~(a) Freestanding signs as provided in Section 110.504.15, General Standards.~~
- ~~(b) Signs which are integrated into the architectural design of a building and which would be prohibited by a strict application of this article.~~
- ~~(c) Kiosks or neighborhood bulletin boards.~~
- ~~(d) Electrically animated and flashing signs and electronic variable message signs.~~

~~[Added by Ord. 1035, provisions eff. 8/28/08, amended by Ord. 1378, provisions eff. 8/1/08.]~~

~~**Section 110.504.45 Special Standards by Type of Sign.**~~

- ~~(a) Mobile and portable signs are permitted under the following conditions:
 - ~~(1) The sign must be painted or otherwise directly attached flat against the exterior surface of the body of the vehicle or trailer or, if on a cargo type body, the sign must be attached flat against the stake racks or other standard vehicle accessories used to confine cargo loads on the bed of the vehicle or trailer.~~~~

- ~~(2) — The vehicle or trailer must be currently licensed and registered by the Nevada Department of Motor Vehicles and Public Safety and must be legally operable and capable of being operated on the public roads.~~
- ~~(3) — The vehicle or trailer is required for and is used to transport people or goods in connection with the business or other activity or interest being advertised.~~
- ~~(4) — The sign may not be illuminated and may not contain letters or symbols which are manually replaceable in order that the copy can be easily changed from time to time.~~
- ~~(b) — Directory signs shall be permitted at major entrances to residential, commercial, industrial or office complexes to identify occupants, addresses or building numbers for the convenience of visitors and to facilitate emergency services. Directory signs shall not exceed six (6) feet in height. No more than three (3) square feet shall be devoted to any single occupant. Directory signs shall not be included in allowable sign area limit computations or when calculating the number of signs on a site. A permit is required.~~
- ~~(c) — Community directory signs shall be permitted at major entrances to an identifiable community in the County.~~
- ~~(d) — Directional signs not exceeding twelve (12) square feet in area shall not be included in allowable sign area computations or when calculating the number of signs on a site. A permit is required.~~
- ~~(e) — Two (2) fuel price signs not exceeding sixteen (16) square feet per face shall not be included in allowable sign area computations or when calculating the number of signs on a site. A permit is required.~~
- ~~(f) — Area identification signs shall be permitted at major entrances to neighborhoods, subdivisions, residential complexes, shopping centers, and office or industrial complexes. Area identification signs shall not exceed six (6) feet in height, or one hundred twenty-eight (128) square feet in area and shall not be included in allowable sign area computations or when calculating the number of signs on the site. A permit is required.~~
- ~~(g) — Unless specifically required in this section, a permit is not required for temporary signs. A person may erect a temporary sign without a permit if:
 - ~~(1) — The sign area is not more than one hundred twenty eight (128) square feet.~~
 - ~~(2) — The height of the sign is not more than eight (8) feet.~~
 - ~~(3) — The aggregate sign area of all temporary signs on the premises is not more than one hundred twenty eight (128) square feet.~~
 - ~~(4) — The sign, if it is a commercial sign, complies with the requirements of paragraphs (h) through (j) of this section.~~
 - ~~(5) — The location is at a distance not less than fifteen (15) feet from any public road from which the sign is visible by passing motorists, unless a building is so located on the premises as to preclude erecting the sign anywhere on the premises, in which case the sign may be attached to or mounted against the building.~~~~

- ~~(h) In addition to the location requirements of paragraph (g) of this section, no person may erect a temporary commercial sign on private property unless:~~
- ~~(1) The sign is not more than four (4) square feet.~~
 - ~~(2) The height of the sign is not more than five (5) feet.~~
 - ~~(3) The aggregate sign area of all temporary commercial signs on the premises is not more than eight (8) square feet.~~
 - ~~(4) The sign is firmly attached to a structure.~~
- ~~(i) Notwithstanding the area and height limitations of paragraph (h) of this section, temporary project sales signs shall be allowed during the period when a developer or builder is actively engaged in the sale of lots or houses, or the sale or lease of space in a commercial, industrial or office development, provided they are maintained in good condition. One (1) sign is allowed for each of no more than two (2) major public entrances to the project area. Individual signs may not exceed one hundred twenty-eight (128) square feet or eight (8) feet in height. A permit is required.~~
- ~~(j) Additional restrictions on temporary real estate signs are as follows:~~
- ~~(1) One (1) sign conforming to the height and area limitations in paragraph (h) of this section is allowed on residential property and on any property less than one (1) acre in size. On commercial, industrial or office properties over one (1) acre, one (1) sign not to exceed thirty two (32) square feet in size shall be allowed for each street frontage.~~
 - ~~(2) Two (2) signs with or without a supporting structure, each no larger than four (4) square feet, carrying the words "open house", "open for inspection" or words of similar import are allowed while the building being shown is in fact open to the public.~~
- ~~(k) Additional restrictions on temporary residential real estate signs in areas within the jurisdiction of the Tahoe Regional Planning Agency are as follows:~~
- ~~(1) One (1) sign is allowed if the sign:
 - ~~(i) Does not exceed one (1) square foot in area.~~
 - ~~(ii) Is placed inside a window, or if no window is visible from a public street, is attached to a building. If no building is on the premises, the sign must be attached to a freestanding structure at least three and one-half (3.5) inches in cross-section. If freestanding, the sign must be parallel to the street to which it is oriented.~~~~
 - ~~(2) Two (2) signs conforming to paragraph (j)(2) of this section are allowed.~~
- ~~(l) A logo or a series of logos may be permanently affixed to one (1) sign erected on the site of a non-profit organization or educational institution with the following restrictions:~~
- ~~(1) The area of the sign on which the logo(s) are affixed may not exceed fifteen (15) percent of the total sign area.~~

- ~~(2) — Animated signs shall not display a logo as an animated message.~~
- ~~(3) — The logos shall only identify supporters of the organization or institution.

 - ~~(i) — If the sign on which a logo or logos are to be affixed was erected prior to the effective date of the ordinance adding this section (September 19, 2003), the non-profit organization or educational institution shall identify to the Director of Community Development the supporters that the organization/institution wishes to recognize and the proposed location of the logos on the sign prior to the affixing of any logos to an existing sign.~~
 - ~~(ii) — If a sign on which a logo or logos are to be affixed is to be erected after the effective date of the ordinance adding this section (September 19, 2003), the supporters that the organization/institution wishes to recognize and the proposed location of the logos shall be identified at the time of application for a permit to erect the sign.~~~~
- ~~(4) — Should the organization/institution physically relocate from, or physically cease to exist on, the site on which the sign that has supporters' logos affixed, the aforementioned sign shall be altered to remove the logo(s) within thirty (30) days of cessation of operations or relocation of the organization/institute.~~
- ~~(m) — The perimeter wall of an athletic field used primarily by teams sponsored by non-profit organizations or educational institutions may have advertising located on the inside of the perimeter wall/fence (facing the playing field), and scoreboards associated with an aforementioned athletic field and erected behind or in front of a perimeter wall/fence of the athletic field may have advertising located on the scoreboard insofar that the advertising faces the playing field. Advertising may be located with the following restrictions:

 - ~~(1) — For advertising located on the perimeter wall/fence of the athletic field, the advertising display shall not extend above the height of the perimeter wall.~~
 - ~~(2) — For advertising located on a scoreboard, the advertising area shall be an integral part of the scoreboard and not an addition to the perimeter of the scoreboard structure.~~
 - ~~(3) — The advertising shall only identify supporters of the organization/institution and the organization's/institution's associated teams that primarily use the athletic field.~~~~

~~[Added by Ord. 1035, provisions off. 8/28/98. Amended by Ord. 1213, provisions off. 9/19/03.]~~

~~**Section 110.504.50 — Special Standards by Regulatory Zone.** The following special standards, by regulatory zone, shall apply:~~

- ~~(a) — Rural, Suburban and Urban Residential Regulatory Zones; General Rural Agricultural (GRA) and General Rural (GR) Regulatory Zones; except as provided in paragraphs (b) and (c) of this section:

 - ~~(1) — Maximum height of freestanding signs is the larger of six (6) feet or height permitted in Section 110.504.45, Special Standards by Type of Sign.~~~~

- ~~(2) Allowable sign area shall be as provided in Section 110.504.45, Special Standards by Type of Sign. Other permanent signs may not exceed sixteen (16) square feet.~~
 - ~~(3) Illumination shall be indirect only.~~
 - ~~(4) Moving, animated or flashing signs are not allowed.~~
 - ~~(5) Projecting signs are not allowed.~~
- ~~(b) Office uses permitted in Residential Regulatory Zones:~~
- ~~(1) Maximum height of freestanding sign is the larger of six (6) feet or height permitted in Section 110.504.45, Special Standards by Type of Sign.~~
 - ~~(2) Allowable sign area may not exceed three quarter (.75) square feet per one hundred (100) square feet of gross floor area.~~
 - ~~(3) Illumination shall be indirect only.~~
 - ~~(4) Moving, animated or flashing signs are not allowed.~~
 - ~~(5) Projecting signs not exceeding four (4) square feet per sign are allowed.~~
- ~~(c) Commercial uses permitted in Residential Regulatory Zones and Neighborhood Commercial/Office (NC) Regulatory Zones:~~
- ~~(1) Maximum height of freestanding sign is twenty five (25) feet.~~
 - ~~(2) Allowable sign area shall be the larger of two (2) square feet per linear foot of allowable business frontage or one (1) square foot per linear foot of site frontage.~~
 - ~~(3) All types of illumination are allowed.~~
 - ~~(4) Flashing, animated or moving signs are not allowed.~~
 - ~~(5) Projecting signs not exceeding six (6) square feet per sign are allowed.~~
- ~~(d) Uses permitted in General Commercial (GC), Office Commercial (OC) and Tourist Commercial (TC) Regulatory Zones:~~
- ~~(1) Maximum height of freestanding sign is thirty (30) feet.~~
 - ~~(2) Allowable sign area shall be the larger of two and one half (2.5) square feet per linear foot of allowable business frontage or one (1) square foot per linear foot of site frontage.~~
 - ~~(3) All types of illumination are allowed.~~
 - ~~(4) Flashing, animated or moving signs are not allowed.~~
 - ~~(5) Projecting signs not exceeding six (6) square feet are allowed.~~

~~(e) Unlimited gaming uses in General Commercial (GC) and Tourist Commercial (TC) Regulatory Zones:~~

- ~~(1) Maximum height of freestanding sign is forty (40) feet.~~
- ~~(2) Allowable sign area shall be the larger of five (5) square feet per linear foot of allowable business frontage or one (1) square foot per linear foot of site frontage.~~
- ~~(3) All types of illumination are allowed.~~
- ~~(4) Mechanically animated signs and moving signs are not allowed. Animated signs which use lights to simulate or create the effect of motion and flashing signs are allowed, subject to the condition that the area of the sign which contains or is illuminated by an electronic variable message shall be multiplied by two (2) when computing allowable sign area.~~
- ~~(5) Projecting signs are allowed.~~

~~(f) Uses permitted in Industrial (I) Regulatory Zones:~~

- ~~(1) Maximum height of freestanding sign is twenty-five (25) feet.~~
- ~~(2) Allowable sign area shall be the larger of one (1) square foot per one hundred (100) square feet of gross floor area or one (1) square foot per linear foot of site frontage not to exceed one hundred twenty-eight (128) square feet per occupant.~~
- ~~(3) All types of illumination are allowed.~~
- ~~(4) Flashing, animated or moving signs are not allowed.~~
- ~~(5) Projecting signs not exceeding six (6) square feet are allowed.~~

[Added by Ord. 1035, provisions eff. 8/28/98. Amended by Ord. 1475, provisions eff. 1/12/12.]

Section 110.504.55 Sign Credits; Types; Computation.

~~(a) Signs Qualifying for Credits:~~

- ~~(1) Support Structure. In addition to the requirements of paragraphs (2) and (3), the sign must be supported by a steel structure having a capability of supporting the sign for at least fifty (50) years.~~
- ~~(2) Structure Credit. If a billboard to be removed is more than two hundred (200) square feet in sign area and is more than twenty-five (25) feet in height, twenty (20) structure credits are allowed. Each credit equals one (1) lineal foot of height that may be added to height limitations on the signs to which the credits are applied as follows: As provided in Section 110.504.15(d), up to twenty (20) feet may be added, without a special use permit, to the height otherwise allowed without a special use permit (20 feet). Twenty (20) credits may be used for an additional freestanding sign.~~
- ~~(3) Sign Area Credit. If a billboard to be removed is more than twenty-five (25) feet in height and is more than two hundred (200) square feet in sign area, sign area credits are allowed equal to the lawfully existing off-premise sign area. No more~~

~~than one-half (.5) of the sign area credits may be applied to any one (1) freestanding on-premise sign. The remaining credits may be applied to wall signs, projecting signs and roof signs or may be converted as follows: two hundred (200) sign area credits may be converted to a single freestanding sign twenty (20) feet in height and fifty (50) square feet in sign area.~~

~~(b) Procedure for Obtaining and Using Sign Credits; Scenic Easement.~~

~~(1) In General Commercial (GC), Office Commercial (OC), Tourist Commercial (TC) and Industrial (I) Regulatory Zones, the owner or occupant of the premises may obtain sign credits by the removal of lawfully existing billboards and structures if:~~

~~(i) A perpetual restrictive covenant, scenic easement and agreement satisfactory to the County prohibiting off-premise signs is recorded with the County Recorder; and~~

~~(ii) All billboards and supporting structures are removed in accordance with the terms of the agreement.~~

~~(2) With respect to credits attributable to a single billboard, one-half (.5) of the sign area credits may be used immediately upon recording of the documents. One-half (.5) of the sign area may not be used until the billboard and structure are completely removed, unless the structure credits are waived, in which case all sign area credits may be used immediately (for wall signs, projecting signs and roof signs) upon recording of the documents.~~

~~(3) In a General Commercial (GC) and Tourist Commercial (TC) Regulatory Zone where unlimited gaming exists or is permitted, sign area credits are allowed as follows:~~

~~(i) One and one-half (1.5) square feet per lineal foot of allowable business frontage if fifty (50) to one hundred (100) hotel or motel rooms are located on or proposed for the premises; or~~

~~(ii) Three (3) square feet per lineal foot of allowable business frontage if more than one hundred (100) hotel or motel rooms are located on or proposed for the premises.~~

~~(4) In all regulatory zones, the maximum height of a freestanding sign may be increased by ten (10) percent, without a special use permit, if the sign is installed in a planter landscaped with drought resistant evergreen plants and having an area two (2) times the area of the sign.~~

~~(c) Exemption from Requirements. To the extent a sign is based on credits, it shall be allowed without a special use permit in excess of otherwise applicable limits on area, number and height.~~

~~(d) Transfer of Credits. Credits are appurtenant to, and may not be transferred from, the premises from which the credits were derived, except that credits may be used on abutting premises under the same ownership.~~

~~[Added by Ord. 1035, provisions off. 8/28/98. Amended by Ord. 1288, provisions off. 3/24/06.]~~

~~**Section 110.504.60 Nonconforming Signs:**~~

- ~~(a) Right to Maintain and Continue the Use of a Nonconforming Sign. A nonconforming sign subject to the provisions of this article may be maintained and continued in use, provided that:~~
- ~~(1) It is not altered, enlarged or relocated without a sign permit.~~
 - ~~(2) It is maintained in good repair and does not become unsightly or hazardous.~~
- ~~(b) Termination of Right to Nonconforming Sign.~~
- ~~(1) Any nonconforming sign which is declared a hazard by the administrator shall be removed or repaired within ten (10) days of notice to the owner of the sign.~~
 - ~~(2) Any nonconforming sign which requires repairs costing in excess of fifty (50) percent of its replacement value shall be removed or made to comply with the provisions of this article.~~
- ~~(c) Alteration, Enlargement or Relocation. No permit shall be issued for the alteration, enlargement or relocation of a nonconforming sign unless the changes will bring the sign into conformance with the provisions of this article.~~
- ~~(d) Reporting. Applicants for new business licenses or for renewals of existing business licenses shall submit, with the application, information showing the size and location of existing signs and buildings on the premises where the business will be conducted.~~

[Added by Ord. 1035, provisions off. 8/28/98. Amended by Ord.1288, provisions off. 3/24/06.]

Section 110.504.65 Discontinued Signs.

- ~~(a) Removal of Discontinued Signs. Any sign or sign structure which has been discontinued for a period of six (6) months shall be removed or restored to use within thirty (30) days after a notice that the sign has been discontinued is issued to the owner of the sign. Notice shall be given by the Director of Community Development using certified mail. The Director of Community Development may allow a discontinued sign or sign structure to remain in place; provided that the sign or sign structure is maintained in good condition, and that there is a reasonable possibility that the sign can be restored to use within a one (1) year period.~~
- ~~(b) Criteria for Establishing That a Sign Has Been Discontinued. A sign or sign structure shall be considered discontinued when any of the following occurs:~~
- ~~(1) Copy on the sign is out of date.~~
 - ~~(2) Any business advertised on the sign is no longer located on the premises.~~
 - ~~(3) Any product or service advertised on the sign is no longer offered on the premises.~~
 - ~~(4) The structure no longer supports a sign or the sign no longer contains an advertising display.~~
 - ~~(5) A sign structure or advertising display is visibly damaged or partially missing.~~

[Added by Ord. 1035, provisions off. 8/28/98. Amended by Ord.1288, provisions off. 3/24/06.]

Section 110.504.70 Signs on Public and Utility Property.

- ~~(a) Signs Prohibited. No person may erect a sign on or over real or personal property, easements or rights of way owned by a public agency or by a privately owned public utility.~~

- ~~(b) Exemptions. Signs exempted from the prohibition in paragraph (a) are:
 - ~~(1) Signs approved by the public agency or public utility.~~

 - ~~(2) Signs which are erected for the safety of motorists and pedestrians in connection with hazardous activities being conducted on the property, easement or right of way or on adjacent private property.~~

 - ~~(3) Official signs and signs required by law.~~

 - ~~(4) Signs for which an encroachment permit has been issued.~~

 - ~~(5) House numbers painted on curbs.~~

 - ~~(6) Signs carried by natural persons.~~~~

- ~~(c) Removal. Any sign found erected contrary to the provisions of this section shall be removed by the Sheriff's Office or the Department of Public Works. Advance notice of removal need not be given. The removed signs must be stored for thirty (30) days. During that period, the sign must be made available to the owner and must be returned upon payment of the cost incurred in the removal.~~

[Added by Ord. 1035, provisions off. 8/28/98.]

SECTION 4. Article 505, Sign Regulations, of the Washoe County Code, is hereby included in its entirety to read as follows:

Article 505

SIGN REGULATIONS

Sections:

110.505.00	Purpose
110.505.05	Applicability, Exemptions, Interpretation, Severability and Variance
110.505.10	Mobile, Temporary and Exempted Signs
110.505.15	General Standards
110.505.20	Principal Use Types
110.505.25	Specialty Signs
110.505.30	Electronic Message Display (EMD) Signs
110.505.35	Prohibited Signs
110.505.40	Permits and Enforcement
110.505.45	Use and Maintenance of Nonconforming Outdoor Advertising Displays and Framework
110.505.50	Continued Use and Maintenance of Nonconforming Signs, Sign Permit Required for Non-Routine Maintenance

110.505.55	Termination of Nonconforming Use/Maintenance Rights
110.505.60	Signs on County Property
110.505.65	Billboards
110.505.70	Definitions

Section 110.505.00 Purpose. The purpose of this Article is to create the legal framework for a comprehensive system of the regulation of the time, place and manner of displaying signs in the unincorporated Washoe County that is content neutral, complies with applicable law and balances the following goals:

- (a) To respect the right of free speech and expression;
- (b) To promote the use of signs which are aesthetically pleasing, and appropriately related in size, shape, materials, lettering, color, illumination and character of the building or premises on which they will be displayed and are compatible with existing adjacent activities and land uses and scenic views;
- (c) To preserve and enhance the environment, including skylines and dark skies, thereby protecting an image that attracts those who come to live, visit, vacation and trade in the County;
- (d) To promote traffic safety, the free flow of traffic and prevent injury and property damage that may be fully or partially attributable to cluttered and distracting signage;
- (e) To promote commerce, economic development and reduce confusion and traffic disruption by providing for adequate and aesthetically integrated site, event and business location information;
- (f) To prevent property damage and injury which may be caused by signs which are improperly constructed or poorly maintained;
- (g) To protect property values, the local economy, and the quality of life, and the image of Washoe County;
- (h) To regulate the size, brightness, flashing, and message transition, of electronic message displays to reduce roadway distraction and offensiveness to surrounding neighborhoods;
- (i) To limit signage on County property only for locational, directional, traffic control and public safety, health and welfare purposes and allowing the expression of ideas in traditional public forums;
- (j) To provide standards and a system of sign permitting and enforcement of this Article that respects due process rights.

Section 110.505.05 Applicability, Exemptions, Interpretation, Severability and Variance.

- (a) **Applicability.** This Article applies to all signs located in the unincorporated Washoe County, unless superseded by a legally adopted Master Plan. Unless otherwise required by law, all signs not specifically permitted or exempted by this Article are prohibited.

- (b) **Exemptions.** Except to the extent they are prohibited by Section 110.505.35, Prohibited Signs, or subject to special standards, the following types of signs and displays are not subject to the provisions of this article and need not be included in any aggregate sign computations. In the event that a sign fails to meet any criteria, condition or qualification established for exemption in this section, the sign shall be subject to and governed by all other applicable requirements of this Article.
- (1) Signs owned and/or maintained by a governmental agency for the purposes set out in subparagraphs (d) and (i) of Section 110.505.00.
 - (2) Changes in copy on an existing sign which does not alter the display area or framework, size, lighting, location or configuration of the sign.
 - (3) Plaques or markers under 4 square feet in size that cannot be read from a public roadway.
 - (4) Tombstones and grave markers.
 - (5) Signs posted to warn against trespassing, security or dangerous conditions on the property not exceeding 2 square feet in size.
 - (6) Address numbers or plates and nameplates. Residential nameplates shall not exceed 2 square feet in size and non-residential nameplates shall not exceed 4 square feet in size.
 - (7) Flags, emblems or insignia of any nation, state or political subdivision, provided that they do not number more than 3, that the individual surface area is not greater than 60 square feet, and that the supporting framework are not greater than the larger of 20 feet high or 10 feet more than the permitted height for a freestanding sign at that location.
 - (8) Signs which are not visible from an adjacent public roadway.
 - (9) Signs carried or worn by a natural person including symbols and messages on clothing.
 - (10) Any sign required by County, State or Federal statute.
 - (11) Signs or copy permanently embroidered, screened, dyed, stenciled or painted into the fabric of umbrellas.
 - (12) Signs painted on and integral to vending machines and fuel dispensing pumps and legally required inspection stickers.
 - (13) Holiday decorations. However, such decorations must comply with nuisance and other provisions in the Development Code.
 - (14) Signs on benches or shelters for passengers of public mass transportation when permitted by state law.
 - (15) **Election Period Signs.** An election period begins the first day of filing for, and ends ten days after the general election conducted under federal, state, county, or city laws or ordinances in which residents of Washoe County

are entitled to vote, including elections or votes regarding selection or recall of any federal, state, county or city officials, any ballot questions, referendum or advisory vote. Additional election period signs may be displayed on any site during an election period, subject to the following limitations, standards and requirements.

- (i) **Number and Size.** There is no limitation on the number of signs or the maximum allowable sign display area per site for election period signs, and election period signs which otherwise comply with this subsection do not count against the number of signs or the allowable sign display area for a site as set out in Table 505.1. However, individual signs shall not exceed a sign display area of 128 square feet per sign.
 - (ii) **No Sign Permit Required.** A sign permit is not required for any election period sign which otherwise complies with this section.
 - (iii) **Standards, requirements and limitations.** Each election period sign need not meet the standards and limitations for all signs set out in this Article with the exception that they shall not be illuminated (to include electronic message displays) and they shall not be placed in a prohibited sign area as identified in Section 110.505.35, Prohibited Signs.
- (c) **Interpretation.**
- (1) This Article is to be liberally construed to effectuate the purpose set forth herein, irrespective of the commercial or noncommercial content or the viewpoint of the message. Any sign allowed herein may contain any lawful message, so long as said sign complies with the size, location, height, area and other requirements of this Article.
 - (2) Where a particular type of sign is proposed that is neither expressly allowed nor prohibited by this Article, or where the sign is proposed on a structure that is not a building as defined in the Development Code, the Director of the Planning and Development Division, Community Services Department or his designee shall have the discretion to approve or disapprove the proposed sign based on whether it is more similar to a type of sign that is expressly allowed or to one that is expressly prohibited.
- (d) **Severability.** If a decision of any court of competent jurisdiction holds any section, sentence, clause, phrase, word, portion or provision of this Article is invalid or unconstitutional, such decision shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion or provision of this Article which can be given effect without the invalid provision. The invalidation of any section, sentence, clause, phrase, word, portion or provision of this Article as applied to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction shall not affect the application of such section, sentence, phrase, word, portion or provision to any other property or structure not specifically included in said invalidation.
- (e) **Variance.** Variances to the provisions of this Article can be made only by the Planning Commission or the Board of County Commissioners and only upon a finding supported by written legal opinion of the District Attorney that the variance

is required to comply with the constitution, laws or judicial decisions of the United States or State of Nevada.

Section 110.505.10 Mobile and Temporary Signs.

(a) Mobile signs are permitted under the following conditions.

- (1) The mobile sign must be painted or otherwise directly attached flat against the exterior surface of the body of a vehicle or trailer or, if on a cargo-type body, the sign must be attached flat against the stake racks or other standard vehicle accessories used to confine cargo loads on the bed of the vehicle or trailer.
- (2) The vehicle or trailer must be currently licensed and registered and must be legally operable and capable of being operated on public roads.
- (3) The mobile sign shall not be illuminated and shall not contain letters or symbols which are manually replaceable in order that the copy can be easily changed from time to time.
- (4) Any mobile sign greater than 9 square feet shall not be parked in one location visible from a public roadway for more than 3 consecutive days.
- (5) The mobile sign shall not be an electronic message display (EMD) sign.
- (6) The mobile sign shall not count against the maximum allowable sign display area or maximum number of signs per site as set out in Table 505.1.

(b) Temporary Sign Standards.

- (1) Temporary signs shall not be placed in a prohibited sign area pursuant to per Section 110.505.35, Prohibited Signs.
- (2) Temporary signs need not be affixed to the ground or building.
- (3) Temporary signs shall not be illuminated nor be an electronic message display (EMD).
- (4) The location requirements in Section 110.505.15(f), Location of Signs, shall not apply to temporary signs.
- (5) Temporary signs do not count against the maximum allowable sign display area or maximum number of signs per site as set forth in Table 505.1, but individual signs may not exceed the limitations (sign height, maximum sign display area for individual signs) as set forth in Table 505.2.
- (6) Except as provided under subsections (7) and (8) below, no temporary sign shall be placed on any site for more than 10 consecutive days. At least 90 days must elapse between any display of a temporary sign signs on any site.
- (7) If a property is currently advertised for sale or lease, a temporary sign shall be allowed until 5 days after the recordation of the sale or execution of the lease agreement. The sign is limited to the size as set forth in Table 505.2.

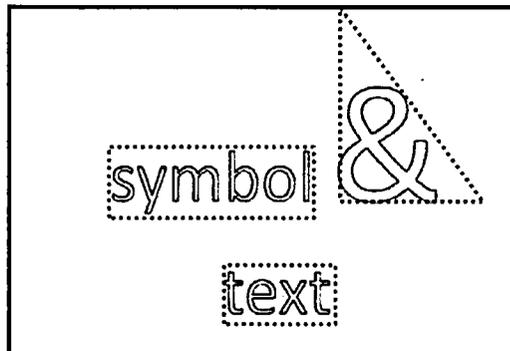
Freestanding signs shall meet a minimum setback of five (5) feet from all property lines.

- (8) If construction is occurring on a site, a temporary sign shall be allowed until 5 days after issuance of a final inspection or a certificate of occupancy. A valid building permit for the construction is required. The sign may be up to sixteen square feet in size and shall be setback a minimum of 5 feet from all property lines.

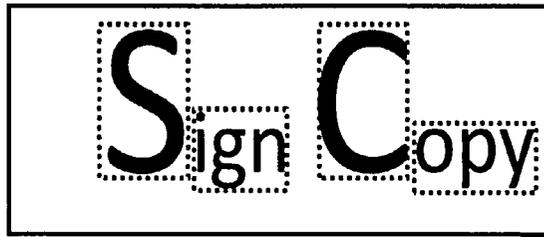
Section 110.505.15 General Standards.

- (a) **Allowable Sign Display Area.** Where the allowable sign display area is a function of business frontage, no more than 2 business frontages may be counted in calculating the allowable area for any building occupant. The two business frontages shall be determined by the sign permit applicant.
- (b) **Visible from a Public Roadway.** Unless otherwise provided in this Article (such as exempt signs and temporary or mobile signs) any sign that is visible from a public roadway shall count towards the total number of signs allowed and allowable sign display area per site as set forth in Table 505.1 and shall comply with all applicable standards in this Article.
- (c) **Sign Display Area Computation.**
- (1) Where a sign consists of copy, painted on or attached directly to a building, which are without an integrated background and are not enclosed in a frame or cabinet, the area of the display shall be measured as the total area of the smallest height and width of a geometric shape (or combination of geometric shapes not to exceed 5 geometric shapes) that encompass the entire copy of the sign. Such geometric shapes shall only include rectangles, circles and right triangles, as generally shown with dotted lines in examples 1 through 3, below:

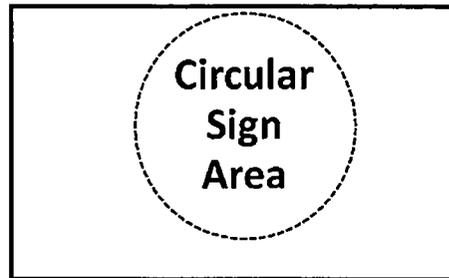
Example 1:



Example 2:



Example 3:



- (2) Where a display is enclosed in a frame or cabinet, or has an integrated background, the entire area within and including the outer edge of framework, cabinet or background must be included in the sign display area computation.
- (3) Where both signs and billboards are located on the same site, the allowable sign display area shall not be reduced by the amount of billboard's display area.
- (d) **Number of Signs.** Any display(s) contained within a single frame, framework, cabinet or integrated background shall be counted as one (1) sign. Multiple sign displays on a single freestanding framework are counted as one sign and are allowed if all other requirements of this section are satisfied.
- (e) **Maintenance, Repair and Appearance.** All signs shall be maintained in good repair and appearance. No sign, flag or banner, whether temporary or permanent, shall be torn, ripped, tattered, or in disrepair.
- (f) **Location of Signs.** Signs located on private property:
 - (1) Shall not extend across property lines into adjacent property or public rights-of-way or easements;
 - (2) Shall be setback a minimum of 5 feet from any property line;
 - (3) Shall not be located in a manner that would create a hazard for traffic or pedestrians;
 - (4) Shall not, for a freestanding sign, be located within 75 feet from any other freestanding sign or billboard, whether on or off the site; and,

- (5) Shall be prohibited within any special flood hazard area as defined by any adopted flood control plan and within 300 feet of the centerline of the Truckee River.
- (g) **Wall Signs.** Wall signs shall not extend above the wall or surface of the building frontage to which they are attached and shall not project more than 1 foot from the wall.
- (h) **Roof Signs.** Roof signs shall meet all of the following criteria:
 - (1) Shall not exceed 4 feet in vertical dimension;
 - (2) Shall not extend above the upper edge of the roof, below the lower edge of the roof, or beyond any other terminating edge of the roof;
 - (3) Shall be constructed separately from the roof surface;
 - (4) Shall be mounted perpendicular to level grade and parallel to the nearest horizontal roof line; and,
 - (5) Shall have all supports enclosed or otherwise made not visible from a public roadway.
- (i) **Projecting Signs.** Projecting signs are permissible subject to the following criteria:
 - (1) The sign shall not extend above the wall or other surface to which it is attached.
 - (2) The sign shall not be attached to or located above a roof and must be attached perpendicular to a vertical surface.
- (j) **Maximum Height of Freestanding Sign.** A freestanding sign shall be measured from the finish grade except if a freestanding sign is located adjacent to a public roadway and the edge of the roadway is above the grade where the sign is located, then the freestanding sign will be measured from the grade of the road at the edge of pavement. If a sign is subject to NRS 278.0213 (outdoor advertising structures obstructed by noise abatement improvements), the Director may authorize an adjustment of the height or relocation of the sign as provided in Table 505.1 and only to the extent consistent with the provisions of that statute. Decisions of the Director may be appealed to the Board of Adjustment, per Article 912 of the Washoe County Development Code.
- (k) **Established Principal Use Type Required.** Except for signs regulated under Section 110.505.10, Mobile and Temporary Signs, no sign shall be erected or located on a property unless the property has an established principal use type pursuant to Section 110.505.20.
- (l) **Sign Restrictions.** Except for signs regulated under Section 110.505.65, Billboards, and except for non-commercial signs, all other signs must meet the following restrictions:
 - (1) The sign shall display only messages that identify, advertise or direct attention to a business, activity, product, service or interest of a person located on the premises where the sign is located.

- (2) The use of the sign is allowed only as long as the principal use type on the site remains active. Upon discontinuance of the principal use type, the sign shall be immediately removed.”
 - (3) Revenue shall not be collected for messages displayed on the sign.
- (m) **Illumination standards for signs that do not include electronic message displays.** Signs which include electronic message displays are governed by Section 110.505.30. For all other signs, (including freestanding and building signs) the following illumination standards apply:
- (1) No sign may use beacons, search lights, strobe lights, exposed light bulbs which are not shielded toward the sign face, blinking or flashing lights, or any form of lighting that would impair the vision of a driver on any roadway. No sign may use any form of illumination that would impair the effectiveness of any Official Sign.
 - (2) Signs that face and are within 100 feet of any properties which have a residential regulatory zone or are actually used for residential purposes must use only indirect lighting cast upon the sign from an external light source that is shielded from direct view and shall comply with all light and glare standards as set forth in Section 110.414.21, Light and Glare, of this Code.

Table 505.1 Permanent Sign Regulations by Principal Use Type of Sites

Principal Use Type of Sites ⁽¹⁾	Freestanding Signs				Building Signs	
	Max Number per Site	Max Height	Max Size per Sign	Max Sign Area per Site	Max Number per Site or Business Frontage	Max Sign Area per Business Frontage
Residential – Single Family	1 per residential dwelling unit	4 feet	4 sf	4 sf	1 per residential dwelling unit	4 sf
Residential – Multifamily & Man. Home Parks	1 per residential dwelling unit	4 feet	2 sf	2 sf	1 per residential dwelling unit	2 sf
Limited Commercial	1	6 feet	16 sf	16 sf	1 per parcel or BF	16 sf
Commercial and Retail	1 per site frontage	20 feet or Up to 30 feet with AP ⁽²⁾	120 sf or Up to 200 sf with AP ⁽³⁾	1 sf for each 1 foot of LSF	2 per BF up to 4 for any business or occupant.	2.5 sf for each 1 foot of BF
Recreation and Travel	1 per site frontage	20 feet or Up to 30 feet with AP ⁽²⁾	120 sf or Up to 200 sf with AP ⁽²⁾	1 sf for each 1 foot of LSF	2 per BF up to 4 for any single business or occupant.	2.5 sf for each 1 foot of BF
Regional Recreation, Travel and Tourism	1 per site frontage	20 feet or Up to 45 feet with SUP ⁽³⁾	120 sf or up to 300 sf with AP or over 300 sf up to 450 sf with SUP ⁽³⁾	1 sf for each foot of LSF or as approved by SUP	2 per BF up to 4 for any single business or occupant.	5 sf for each foot of BF
Manufacturing Warehousing and Industry	1 per site frontage	20 feet or Up to 25 feet with AP ⁽²⁾	120 sf or Up to 200 sf with AP ⁽²⁾	1 sf for each foot of LSF	2 per BF up to 4 for any single business or occupant.	1 sf for each 100 sf of GFA

Agricultural	1	6 feet	16 sf	16 sf	1 per building	16 sf
Civic	4 per site unless otherwise determined by approved AP ⁽²⁾	6 feet	80 sf for one sign; 40 sf for all other signs	120 sf; Over 120 sf requires AP ⁽²⁾	2 per BF up to 4 for any single occupant for all non-residential uses.	120 sf; Over 120 sf requires AP ⁽²⁾

GFA = Gross Floor Area; LSF = Linear Site Frontage;; BF = Business Frontage s.f. = square feet. AP = Administrative Permit; SUP = Special Use Permit; ⁽¹⁾The principal use types are defined in Section 110.505.20 ; ⁽²⁾Administrative Permit required pursuant to Section 110.505.40. ⁽³⁾Regional Recreation, Travel and Tourism uses may apply for a Special Use Permit for a freestanding sign that exceed the size limits of this table following the provisions of Section 110.505.40

Table 505.2 Temporary Sign Regulations by Principal Use Type

Principal Use Type of Sites ⁽¹⁾	Temporary Signs			Front Yard Setback ⁽⁴⁾
	Max Size	Max Number	Max Height ⁽³⁾	
Residential – Single Family – Less than 2 acres	6 sf per unit	1 per residential lot	6 feet	5 feet
Residential – Single Family – Between 2 acres and less than 10 acres	16 sf	1 per residential lot	6 feet	10 feet
Residential – Single Family – 10 acres or greater	32 sf	1 per residential lot	6 feet	15 feet
Residential – Multifamily & Man. Home Parks	2 sf per unit	1 per residential lot	6 feet	5 feet
Limited Commercial	16 sf	1 per parcel or bf	6 feet	10 feet
Commercial and Retail	32 sf	1 per parcel or bf	6 feet	10 feet
Recreation and Travel	32 sf	1 per parcel or bf	6 feet	10 feet
Regional Recreation, Travel and Tourism	32 sf	1 per parcel or bf	6 feet	10 feet
Manufacturing, Warehousing and Industry ⁽²⁾	32 sf	1 per parcel or bf	6 feet	10 feet
Agricultural	32 sf	1 per parcel	6 feet	10 feet
Civic	32 sf	1 per parcel or bf.	6 feet	10 feet

bf = Business Frontage; sf = square feet; ⁽¹⁾The principal use types are defined below in

<p>Section 110.505.20; ⁽²⁾ One additional temporary sign up to 100 sf may be mounted to the side of a building if the building is 25,000 sf or larger in size. ⁽³⁾The maximum height applies to freestanding signs only. ⁽⁴⁾If the sign does not exceed six square feet than the front yard setback shall be 5 feet off the property line.</p>	
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Section 110.505.20 Principal Use Types of Sites. These principal use types only apply to Article 505:

- (a) **Residential – Single Family:** “Residential – Single Family” refers to properties containing single family uses on individual residential sites. This use type also refers to properties that allow single family uses but are currently vacant for the purpose of erecting a temporary sign.
- (b) **Residential – Multi Family and Manufactured Home Parks:** “Residential – Multifamily & Manufactured Home Parks” refers to individual units within a multi-family complex.
- (c) **Limited Commercial:** “Limited Commercial” refers to uses that generate minimal traffic require limited sign visibility and are typically located within residential districts. These use types include, but are not limited to: Family Daycare, Large Family Daycare, Group Care, Dog Training Services, custom manufacturing and Bed and Breakfast Inns.
- (d) **Commercial and Retail:** “Commercial and Retail” refers to all uses identified in Table 110.302.05.3, Commercial Use Types, of this Code that have not been specifically identified within another defined principal use type within this section. This principal use type also includes Hospital uses.
- (e) **Recreation and Travel:** “Recreation and Travel” refers to lodging and entertainment uses. Such use types include , but are not limited to Commercial Campground Facilities/RV Parks, Destination Resorts, Indoor Entertainment, Indoor Sports and Recreation, Outdoor Sports and Recreation, Outdoor Entertainment, Hotels and Motels, Condominium Hotel, Hostels and Vacation Time Shares.
- (f) **Regional Recreation, Travel and Tourism:** “Regional Recreation, Travel and Tourism” refers to large-scale entertainment uses intended to attract crowds of 1,000 people or more per event and also include unlimited gaming facilities that attract visitors from both inside and outside of the immediate region of Washoe County. Such use types may include: Casinos with Unlimited Gaming and Outdoor Entertainment venues.
- (g) **Manufacturing, Warehousing and Industry:** “Manufacturing, Warehousing and Industry” refers to all use types identified in Table 110.302.05.4, Industrial Use Types, of this Code, with the exception of custom manufacturing use types, that have not been specifically identified within another defined principal use type within this section.
- (h) **Agricultural:** “Agricultural” refers to uses that primarily involve agricultural activities. This category includes all uses identified in Table 110.302.05.5, Agricultural, of this Code, as well as Commercial Stables, Veterinary Services – Agricultural and Wholesale Nursery Sales.

- (i) **Civic:** "Civic" refers to all uses types identified in table 110.302.05.2, Civic Use Types, of this Code, with the exception of family daycare and large family daycare use types, that have not been specifically identified within another defined principal use type within this section.

Section 110.505.25 Specialty Signs. In addition to the signs permissible in Table 505.1, one directory and one area identification sign shall be allowed per entrance as described below:

- (a) **Directory Signs.** Directory signs are permanent signs and shall be permitted at major entrances to residential, commercial, industrial or office complexes to identify occupants, addresses or building numbers for the convenience of visitors and to facilitate emergency services. Directory signs shall not exceed 6 feet in height. No more than 3 square feet shall be devoted to any single occupant. Directory signs shall be included in allowable sign-area limit computations and when calculating the number of signs on a site.
- (b) **Area Identification Signs.** Area identification signs are permanent signs and shall be permitted at major entrances to neighborhoods, subdivisions, residential complexes, shopping centers, and office or industrial complexes. Area identification signs shall not exceed 6 feet in height, nor 64 square feet in area and shall not be included in allowable sign-area computations or when calculating the number of signs on the site.
- (c) **Window Signs.** Window signs are not subject to the sign area or number limitations of this Article. The total area of all window signs in a business frontage shall not exceed 25 percent of the total area of all windows of that business frontage. Permits are not required for any window signs. The maximum size for any illuminated window sign shall be three (3) square feet. Window signs are prohibited on the exterior of a window.

Section 110.505.30 Electronic Message Display Signs. All electronic message display (EMD) signs shall require the approval of an administrative permit by the Board of Adjustment; or a special use permit by the Board of County Commissioners if the EMD is a Regional Recreation, Travel and Tourism sign over 300 square feet in size. An EMD shall meet the following criteria unless otherwise approved by the Board of County Commissioners by means of a special use permit:

- (a) EMDs shall contain static copy only.
- (b) Static copy on the EMD must be displayed for a minimum of 8 seconds with instantaneous transition from one message to the next.
- (c) Each EMD shall meet the standard building setback requirements of Article 406, Building Placement Standards, of this Code for the regulatory zone in which the sign is proposed to be located.
- (d) An EMD shall not be placed within 200 feet from any residential regulatory zone property line.
- (e) An EMD shall not be placed within 200 feet from any other EMD.
- (f) An EMD shall only be located on properties with regulatory zones of General Commercial (GC), Tourist Commercial (TC), Neighborhood Commercial (NC), and Industrial (I) on parcels one acre in size or larger or on properties with regulatory

zones of Public/Semi-Public Facilities (PSP) and Parks and Recreation (PR) that are ten acres or larger in size. Only one EMD shall be allowed per site.

- (g) A freestanding EMD sign structure shall not exceed 12 feet in height and shall be a monument sign as defined at Section 110.505.75, Definitions, unless the EMD is placed on a property with a Regional, Recreation, Travel and Tourism use type.
- (h) Within the General Commercial (GC), Neighborhood Commercial (NC) and Industrial (I) regulatory zones, an EMD shall only be allowed within a Commercial Center as defined at Section 110.304.25(f) of this Code.
- (i) An EMD shall not exceed 50% of the allowable sign display area of signs allowed on any site per this Article and an EMD shall not exceed a maximum of 120 square feet in size.
- (k) EMDs shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot-candle meter at a pre-set distance. The pre-set distances to measure the foot-candles is calculated using the following formula: Measurement Distance =

$$\sqrt{\text{Area of Sign} \times 100}$$

The measurement distance can be rounded to the nearest whole number.

- (l) All permitted EMDs shall be equipped with a sensor or other device that automatically determines the ambient illumination and shall be either programmed to automatically dim according to ambient light conditions, or manually adjusted to comply with subsection (k) above.
- (m) All special use permit or administrative permit applications for EMDs shall include a statement by a licensed engineer certifying that the lighting will comply with the lighting standards of this Article Code.
- (n) EMDs shall not be allowed within any designated scenic corridor or scenic byway as identified in either state statute, or in Washoe County Code or Master Plan.
- (o) Illumination Measurement Criteria:
 - (1) The illuminance of an EMD shall be measured with a light meter set to measure footcandles accurate to at least two decimals.
 - (2) Illuminance shall be measured with the EMD off, and again with the EMD displaying a solid white image for a full color capable EMD, or a solid message for a single-color EMD. Measurements shall be taken one hour after sunset.
 - (3) All measurements shall be taken facing the sign structure with the light meter pointed at the center of the EMD and measured from the edge of the travelway of the nearest public roadway or at the property line of any residential regulatory zone.

Section 110.505.35 Prohibited Signs. The following types of signs and displays are prohibited:

- (a) Signs which constitute a hazard to traffic, motorists or pedestrians.

- (b) Signs that block visibility from any intersection or driveway, as identified in Article 110.412.30, Public Safety, of this Code.
- (b) Signs which produce odor, sound, smoke, flame or other emissions.
- (c) Signs which imitate or simulate official signs, or which use blinking or intermittent lights resembling danger or warning signs.
- (d) Strobe lights or any moving beam of light.
- (e) Signs on public property or rights-of-way; signs attached to utility poles, street-light standards, trees or fences, except as provided for at Section 110.505.10 (Mobile and Temporary Signs) and Section 110.505.60 (Signs on Public and Utility Property) of this Article.
- (f) Moving signs, including wind signs and signs moved by forced air.
- (g) Vertical sail signs.
- (h) Signs prohibited by any other Washoe County Code provision.
- (i) Any billboard that is not identified on the most current billboard inventory list as adopted by resolution by the Board of County Commissioners.

Section 110.505.40 Permits and Enforcement.

- (a) A permit is required to be issued by Washoe County Building and Safety Division for the construction of any new permanent sign over 4 square feet in size and for the repair of existing signs other than routine maintenance. Sign permits shall be issued within 60 days from the date of submission of an application meeting all applicable provisions of the Washoe County Code.
 - (1) It is unlawful to erect or keep a permanent non-exempt sign whose sign display area exceeds four square feet without first obtaining a sign permit from the Washoe County Building and Safety Division. A sign permit is required after an Administrative Permit or Special Use Permit is approved by Washoe County as provided below.
 - (2) An application for a sign permit must be on forms provided and describe the location, sign display area and dimensions of the sign, and the physical characteristics of the sign (including illumination), and must include a listing of the location and display area of all other signs on the site. If the sign structure requires a building permit under the Washoe County Building Code, plans and specifications of the structure must be included. The fee established by resolution of the Board of County Commissioners must accompany the application.
 - (3) A sign permit shall be issued if the proposed sign complies with this Article, and the sign structure complies with all applicable building codes.
 - (4) If a decision on an application for a sign permit is not made and communicated to the applicant within 60 days from receipt of complete application (meeting all applicable provision of this Code) and fees, the

sign permit is deemed approved, unless otherwise agreed between the applicant and the approving authority.

- (b) **Administrative Permit.** Except for exempt signs or signs governed by 110.505.40(c), an administrative permit pursuant to Article 808 of this Code, Administrative Permits, approved by the Board of Adjustment shall be required pursuant to the provisions of Table 505.1 for any permanent sign. In addition to the findings required by Article 808, Administrative Permits, the Board of Adjustment must find that the proposed sign complies with all the requirements of this Article.
- (c) **Special Use Permit for Regional Recreation, Travel and Tourism Signs.** A Special Use Permit pursuant to Article 810, Special Use Permits, of this Code may be granted by the Board of County Commissioners to increase the size and height, as is otherwise allowed in Table 505.1, for one freestanding sign, for each "Regional Recreation, Travel and Tourism" development. Before granting a special use permit, the Board of County Commissioners shall make all the findings required by Article 810 and all of the following findings:
- (1) The freestanding sign is located immediately adjacent to an interstate highway having at least four travel lanes.
 - (2) The freestanding sign is located within ¼ mile of an exit providing access to the Regional Recreation, Travel and Tourism or Unlimited Gaming development from the interstate highway.
 - (3) There is only one freestanding sign exceeding 300 square feet within ¼ mile of any exit providing access to a "Regional Recreation, Travel and Tourism" development, from the interstate highway.
 - (4) The freestanding sign is located on the same parcel of land or a parcel of land directly adjacent to the "Regional Recreation, Travel and Tourism" development.
 - (5) That the parcel upon which the freestanding sign is located has a regulatory zone of Industrial, General Commercial or Tourist Commercial.
 - (6) That all other applicable sections of the Development Code and this Article are met.
 - (7) The special use permit has been conditioned to require removal of the freestanding sign upon discontinuance of the "Regional Recreation, Travel and Tourism" principal use type.
 - (8) That approval of the special use permit for the enlarged sign will benefit the general welfare of citizens of Washoe County.
 - (9) The freestanding sign shall not be located within 500 feet from any residential regulatory zone.
- (d) **Enforcement.** The Director may commence any enforcement proceeding authorized under Article 910, Enforcement, of this Code regarding any sign which is not consistent with any of the provisions of this Article.

Section 110.505.45 Continued Use and Maintenance of Nonconforming Outdoor Advertising Displays and Framework. If a sign is a “nonconforming outdoor advertising structure” as defined by, and within the meaning of, NRS 278.0215, the provisions of Sections 110.505.50 and 110.505.55 shall apply to the sign in the same manner as those sections would apply to any other non-conforming sign under this Article except:

- (a) If removed, the displays and framework may not be relocated to another site; and,
- (b) To the extent that any provision in this Code conflicts with state statute, Nonconforming Outdoor Advertising structures are subject to the requirement that compensation must be paid if the sign is ordered removed or routine maintenance is not authorized as provided in that statute.

Section 110.505.50 Continued Use and Maintenance of Nonconforming Signs.

- (a) **Use and routine maintenance authorized.** A non-conforming sign or a nonconforming outdoor advertising display and framework may be used and maintained in accordance with this section until the right is terminated as provided in section 110.505.55.
- (b) **No changes.** A nonconforming sign shall not be changed to an EMD and there must be no change in the size, height, location or materials, and no enhancement to the nonconforming sign.
- (c) **Conformance with applicable law.** The nonconforming sign must have complied with and must continue to comply with all requirements that were in effect at the time the sign was erected including any requirements in any special use permit, variance, or other approval for the sign or the use of land.
- (d) **Maintenance required.** Maintenance can and must be regularly performed on all nonconforming signs so that they are kept in good and nonhazardous condition in accordance with standards set out in this Article. A building permit may be required before repairs or maintenance are performed.

Section 110.505.55 Termination of Nonconforming Use/Maintenance Rights. A nonconforming sign shall be removed or brought into conformity with this Article when any of the following events or circumstances occurs.

- (a) **Destruction.** Destruction or damage of a nonconforming sign in excess of 50 per cent of its material structural value as a result of :
 - (1) A natural disaster, including, without limitation, a fire, flood, earthquake, windstorm, rainstorm, and snowstorm; or,
 - (2) An event that is within the control of the owner of the sign.

A nonconforming sign damaged by an act of third party vandalism or other cause beyond the control of the owner of the sign may be repaired. Proof of vandalism in the form of a Washoe County Sheriff’s report must be submitted to Washoe County.

- (b) **Termination of lease or right to use land.** A nonconforming sign shall be removed or brought into conformance upon the expiration or termination of any

land lease, license, or other right to use the land on which a nonconforming sign is located.

- (c) **Abandoned Sign.** A sign shall be determined to be abandoned when there has been no copy displayed for 12 months. A notice shall be sent to the property owner stating that the sign is apparently abandoned and that they have 30 days to remedy the problem, by coming into conformance with the Development Code. After that time period, removal of the sign will be enforced as provided in Article 910, Enforcement, of this Code.
- (d) **Development or redevelopment of land.** If property is being developed or redeveloped with a new or a changed use(s), a public hearing is required before a sign may be ordered to be removed.
- (e) **Discretionary Approval(s).** If an existing sign is not in compliance with the provisions of a discretionary action such as a special use permit, variance, etc., the Director may order the sign removed or brought into compliance. Orders of the Director are subject to appeal pursuant to Section 110.912.10 of this Code.
- (f) **Hazard.** As determined by the Director, after consultation with a licensed professional engineer, that a nonconforming sign has become a public safety hazard, the Director may order repairs or removal as follows. Orders of the Director are subject to appeal pursuant to Section 110.912.10 of this Code.
 - (1) **Repairs.** The Director may order repairs to the nonconforming sign if in the reasonable judgment of the Director, the cost of the repairs would be less than 50 per cent of the sign's material structural value. To the extent necessary to remove the hazardous condition, the Director may order a change in the size, height, location or materials used in the nonconforming sign, but shall not order any enhancement to the nonconforming sign that increases illumination and/or the visual effect of the sign.
 - (2) **Removal.** The Director may order removal of the sign if, in the reasonable judgment of the Director, the cost of repairs would exceed 50 per cent of the sign's material structural value, or if repairs are ordered and the order is not complied with.

Section 110.505.60 Signs on County Property.

- (a) **Signs Prohibited.** No person may erect a sign on or over real or personal property, easements or rights-of-way owned by Washoe County unless exempted pursuant to Section 110.505.05(b), Exemptions.
- (b) **Removal.** Any sign found erected contrary to the provisions of this section shall be removed by Washoe County. Advance notice of removal need not be given. The removed signs must be stored for thirty (30) days. During that period, the sign must be made available to the owner and must be returned upon payment of the cost incurred in the removal.
- (c) **Additional Regulations for Signs on County Property.** Unless otherwise prohibited by law, any person may carry any flag, any hand held sign and any sign worn on clothing:
 - (1) Anywhere in the Washoe County administration complex;

- (2) In any Washoe County building, parking lot or area adjacent to any Washoe County owned or occupied building;
- (3) In any Washoe County park; or,
- (4) In any other part of a Washoe County property that is considered a “traditional public forum” as defined by controlling law.

Otherwise, only Washoe County may place a sign on any property, right of way or easement owned or occupied by Washoe County. The Washoe County Manager or any person or persons designated by the County Manager may authorize a County sign to be placed on Washoe County property for locational, directional, traffic control or public safety, health and welfare purposes. Any other sign must be authorized by the Board of County Commissioners.

Section 110.505.65 Billboards. Billboards are signs larger than 450 square feet in size and/or are identified on the most current billboard inventory as adopted by resolution by the Board of County Commissioners and maintained by the Community Services Department, Planning and Development Division. Signs on the billboard inventory are legal nonconforming billboards as these billboards do not comply with the standards established in table 505.1 of this Article. Additionally, all such billboards shall comply with Sections 110.505.45, 110.505.50 and 110.505.55 of this Article. The Director of the Planning and Development Division shall maintain and modify the approved billboard inventory to reflect changes in jurisdictions (i.e. annexations, rollback of sphere of influences, etc.) and removed billboards.

Section 110.505.70 Definitions.

Area Identification Sign. “Area identification sign” means a permanent sign used to identify a neighborhood, subdivision, commercial or office complex, industrial district or similar distinct area of the community.

Billboard. “Billboard” means any sign larger than 450 square feet and/or identified in the most current billboard inventory list as maintained by the Washoe County Community Services Department. The total number of permitted billboards is determined by the most current billboard inventory adopted by resolution by the Board of County Commissioners and maintained by the Washoe County Community Services Department.

Building Frontage. “Building frontage” means the length of the face or wall of a completely enclosed building which fronts directly on a public roadway.

Building Sign. Refer to “wall sign”.

Business Frontage. “Business frontage” means the length of the ground floor building frontage occupied by an individual building occupant. An occupant may have more than one (1) business frontage if it occupies building frontage facing on two (2) or more public roadways.

Copy. “Copy” means letters, numbers, language, symbols or pictures.

Directional Sign. “Directional sign” means a permanent sign which directs the flow of traffic or pedestrians.

Director. “Director” means the Director of the Planning and Development Division of the Community Services Department of Washoe County or his/her designee.

Directory Sign. “Directory sign” means a sign, or a group of signs designed as a single display, which gives information about the location of businesses, buildings or addresses within a residential, office, commercial or industrial complex.

Electronic Message Display (EMD). “Electronic message display” means a sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

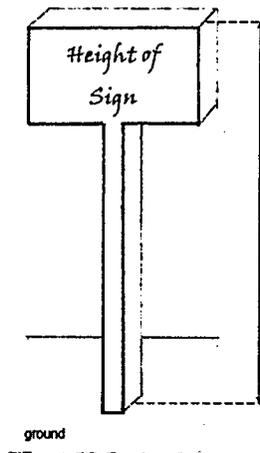
Erect. “Erect” means to arrange, build, construct, attach, hang, paint, place, suspend, affix or otherwise establish a sign.

Flashing Sign. “Flashing sign” means a sign which uses blinking, flashing or intermittent illumination or light reflectors, either direct, indirect or internal.

Freestanding Sign. “Freestanding sign” means a sign which is supported by its own framework apart from a building and which is not regulated as a billboard.

Gross Floor Area. “Gross floor area” means the total horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of exterior walls, or from the centerline of a common wall separating two building, but excluding any space with a floor-to-ceiling height of less than 6 feet 6 inches.

Height of Sign. “Height of sign” means the vertical distance from the topmost part of a sign to the finish grade at the base of the sign.



Holiday Decoration. “Holiday decoration” means any display commonly associated with a local, state, national or religious holiday, and which is not left in place for more than forty-five (45) consecutive days during any single observance.

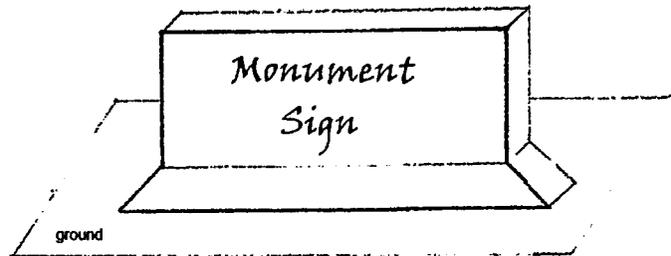
Linear Site Frontage. “Linear site frontage” means the linear dimension of a site abutting on a public roadway.

Material Structural Value. “Material structural value” means the cost of labor and material necessary to erect a sign. The terms does not include any revenue or expenses related to the lease of real property upon which the sign is located.

Maximum Sign Display Area. “Maximum sign display area” means the total sign display area permitted per Table 505.1.

Mobile Sign. “Mobile sign” means a sign supported by a sign framework that is mounted on wheels, skids or other device designed to make the framework conveniently movable or portable. Mobile signs include vehicles, trailers and frameworks not structurally attached to the ground or a building.

Monument Sign. “Monument sign” means a freestanding sign generally having a low profile with little or no open space between the ground and the sign copy.



Moving Sign. “Moving sign” means any sign which includes visible moving or rotating parts or beam of light.

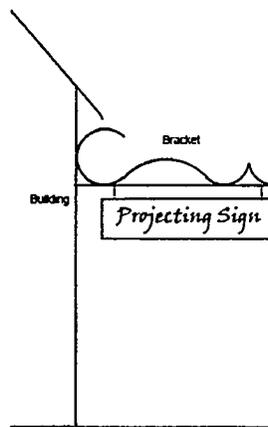
Nonconforming Outdoor Advertising Display and Framework. “Nonconforming outdoor advertising display and framework” as defined in NRS 278.0215(7).

Nonconforming Sign. “Nonconforming sign” means a sign which was constructed or erected in conformance with all applicable county ordinances and codes in effect on the date the sign was first displayed but which does not conform subsequently because of a change to the County codes or ordinance.

Official Sign. “Official sign” means any sign erected by or at the direction of a governmental agency.

Permanent Sign. “Permanent sign” means any sign which is designed, constructed and affixed at the site in such a manner that it cannot be conveniently moved from place to place.

Projecting Sign. “Projecting sign” means a sign which is supported by a decorative bracket or hanger and extends at right angles from the face of a building. This definition shall also include any sign which, because of its shape or thickness, extends more than 12 inches from the face of a building when mounted flat against the face of the building.

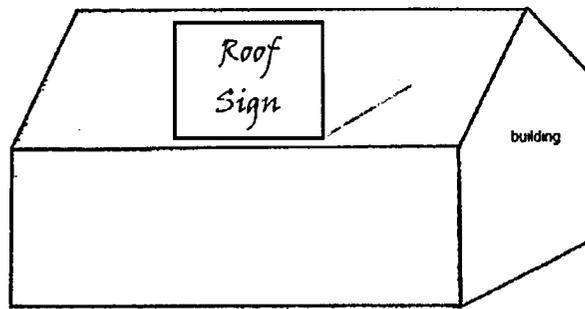


Public Roadways. “Public roadways” means a street or highway that is improved, designed or ordinarily used by the public for vehicular travel and which is shown upon any plat, subdivision, addition, parcel map or record of survey of any county, city, town or portion thereof duly recorded or filed in the office of the county recorder, and which is not specifically designated as a private road or a nonpublic road.

Repair of a Sign. “Repair of a sign” means the replacement of framework and support material of an existing sign with the same material with no change in the support system of the existing sign.

Residential Lot. “Residential lot” means any parcel of land or building used exclusively for residential purposes. Residential lots may also include any accessory buildings, uses and exterior space that are ancillary to the residential use.

Roof Sign. “Roof sign” means a sign painted on, supported by or attached to the roof or roof structure of a building. This definition does not include a sign attached flat against the wall of a penthouse, or other integral part of a building, which projects above the main roof.



Routine Maintenance. “Routine maintenance” means normal repair and upkeep of the structural integrity and appearance of a sign or outdoor advertising display framework. The term does not include any increase in the size or height of the sign or sign framework or any addition or enhancement to the the sign or sign framework that increases the visual effect of the display and/or framework or increases the impact on the use of the land in that area around the display and/or framework. Such improvements are classified as non-routine maintenance.

Sign. “Sign” means (i) a device, including but not limited to a pennant, flag, vertical sail, wind sign, forced air tube, sound speaker, or light whether or not it contains copy, displayed for the purpose of attracting attention, or (ii) a visual display of copy designed to identify, announce, entertain, direct, advertise, or communicate information. If the device or display is part of a sign structure, the term “sign” includes the framework.

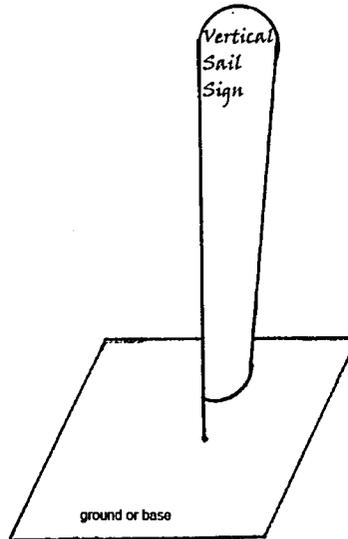
Sign Display Area. “Sign display area” means the part or parts of the sign which contains copy.

Sign Framework. “Sign framework” means those parts of a sign designed to support it in place but does not include the area of the sign display.

Site. “Site” means any parcel of land which includes any unit or contiguous units of land in the possession of or recorded as the property of one person.

Temporary Sign. “Temporary sign” means any non-illuminated sign not designed to be permanently attached to a building or structure, or anchored to the ground, and intended to be displayed for a limited amount of time and then removed.

Vertical Sail Signs. "Vertical sail signs" means signs of varying shapes and sizes, single or double sided, that are usually attached to a single pole, but may have a two pole design, that are staked into the ground or weighted on hard surfaces, and that move in the wind. Commonly referred to as flying banners, wind sail signs, feather flags, vertical flags, flutter flags or vertical sail signs. Most are of fabric type material and can be used indoors but are primarily used outdoors to promote retail establishments, grand openings or attract visitors from the roadway.



Wall Sign. "Wall sign" means a sign which is painted on, supported by or attached to a wall or other vertical surface of a building.

Wind Sign. "Wind sign" means any sign, part of a sign or series of signs, designed or erected in such a manner as to move when subjected to wind pressure or forced air.

Window Sign. "Window sign" means any sign that is placed inside a window and is visible from the exterior of the window.

SECTION 5. General Terms.

1. All actions, proceedings, matters and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and the officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this ordinance

are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

4. Each term and provision of this ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this ordinance. In any event, the remainder of this ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

This ordinance was proposed on _____ by Commissioner
_____.

This ordinance was passed on _____.

Those voting "aye" were _____.

Those voting "nay" were _____.

Those absent were _____.

Those abstaining were _____.

This ordinance shall be published and shall be in force and effect immediately upon the date of the second publication as set forth in NRS 244.100.

Kitty K. Jung, Chair
Washoe County Commission

ATTEST:

Nancy Parent, County Clerk



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

James Barnes, Chair
Sarah Chvilicek, Vice Chair
Larry Chesney
Thomas Daly
Roger Edwards
Philip Horan
Greg Prough
Carl R. Webb, Jr., AICP, Secretary

Tuesday, February 2, 2016
6:30 p.m.

Washoe County Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Planning Commission met in a scheduled session on Tuesday, February 2, 2016, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

Chair Barnes called the meeting to order at 6:30 p.m. The following Commissioners and staff were present:

Commissioners present: James Barnes, Chair
Sarah Chvilicek, Vice Chair
Larry Chesney
Thomas Daly
Roger Edwards
Philip Horan
Greg Prough

Staff present: Carl R. Webb, Jr., AICP, Secretary, Planning and Development
William H. Whitney, Director, Planning and Development
Roger D. Pelham, MPA, Senior Planner, Planning and Development
Trevor Lloyd, Senior Planner, Planning and Development
Lora Robb, Planner, Planning and Development
Eric Young, Planner, Planning and Development
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Kathy Emerson, Recording Secretary, Planning and Development
Donna Fagan, Office Assistant III, Planning and Development
Renee Schebler, Planning Technician, Planning and Development

2. *Pledge of Allegiance

Commissioner Chesney led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

4. *Appeal Procedure

10. Planning Items

A. Development Code Amendment Case Number DCA14-009 – Discussion and possible action to make recommendations to the Washoe County Commission on changes to the following three aspects of the pending amendments to the county's sign code regulations: reduction of the minimum number of lanes necessary for a roadway adjacent to an electronic message display (EMD) sign, reduction of the minimum hold time for EMD static sign copy from 20 seconds to 8 seconds, and prospective prohibition of off-premise advertising signage on signs that do not constitute billboards. These three aspects pertain to the pending sign code amendments designed to amend Washoe County Code Chapter 110 (Development Code) to amend Article 500 - *Signs: Title and Contents*; to remove Article 502 - *Billboard Regulations* and Article 504 - *Sign Regulations*; and to adopt a new Article 505 (*Sign Regulations*).

Mr. Webb provided a description of the item.

Chair Barnes asked for ethics or ex parte disclosures. Chair Barnes disclosed that he was contacted by Lori Wray and Jim Galloway quite some time ago, with no recent contact. Vice Chair Chvilicek was contacted by Mr. Galloway and Ms. Wray and met with them quite some time ago, but has not had any other discussions with them with this particular item. Commissioner Prough met with Mr. Galloway for about an hour in Commissioner Prough's office in November, and Mr. Galloway presented his ideas. Commissioner Horan received a telephone call from Mr. Galloway, but he did not receive the information that Mr. Galloway was going to forward to him. Commissioner Chesney had a telephone conversation with Mr. Galloway. Commissioner Daly met with Ms. Wray and Mr. Galloway probably four months ago, but nothing since then.

Chair Barnes opened the public hearing.

Trevor Lloyd presented his staff report, dated January 12, 2016.

Commissioner Horan asked Council what the agenda item allowed the Commission to discuss. He asked if the Commission was restricted to comment as proposed by staff.

DDA Edwards confirmed that the agenda limited the Commission as to the action that could be taken on the item and the recommendations that could be made back to the County Commission. The recommendations they could make were with respect to the three categories stated in the agenda item. They could not go outside of the agenda item in taking any action.

Commissioner Prough asked if the three categories should be taken individually or collectively.

DDA Edwards responded that the Commission could fashion a motion after the discussion and after public comment. At that point, they could decide to handle the issues individually or collectively.

Chair Barnes called for public comment.

Karen Munson, the Branch Manager for YESCO Signs locally, thanked staff. She said that without the hard work of staff over two and a half years, they would not be back to where they were that night. She stated that it was two long years getting to where they were at the Board of

County Commissioners in September. When the Board of County Commissioners asked for the last three items, they felt as an industry that the three items were items that they could embrace and accept. She received an email from Tray Abney with The Chamber, stating that The Chamber supported the language provided to the Planning Commission that evening. Ms. Munson stated that staff was involved in many hours of internal meetings, public meetings, phone calls, emails, and individual counsel. She believed that staff, along with the support of the sign industry, the community, and some of the individuals present that evening, that what was brought before the Planning Commission that night was a fair and just code. She said that they do not love everything about it, but they like it enough to make sure that it gets put through. They do have some change and some language when it comes specifically to the digital signs, because this has been a hot topic in the community. There were twelve months of 2015 with much discussion through the City of Reno on digital signs. In December the Reno City Council approved a digital sign code, which is similar to what was provided to the Planning Commission that evening, as was the City of Sparks. Ms. Munson is a county resident and understands that county does not look to be the same as Reno and Sparks, but she believes that some congruity is needed for common ground, as we live in a community that is based on the three municipalities. She stated that they did support the changes and respectfully requested the Planning Commission's approval, as presented that evening.

Jim Galloway interpreted the direction of the County Commission a little differently. He interpreted it to be remanding the entire ordinance, but paying attention to those three items. He wondered if it was possible to point out an item not on the list of three items. He wondered if they could reagendaize, and at a future meeting continue to deal only with the matter he raised about the zoning and some other language in the ordinance. He believed that the agenda shackled the Planning Commission, because it wasn't properly agendaized to be broader. He commended staff for the inclusion of the changes dealing with the revenue on signs as they appeared on 505A. He believes that goes a long way to resolve some problems. If it were not there, then he would have said the ordinance should not ever be passed into effect. He thinks that it will be a nightmare if they do not take the sign table on sign sizes and do it with zoning. He also thinks that on the exemptions, the comments indicate that signs should only be exempted that cannot be seen from any point on a public road. He said that the word "adjacent" to a public road is used, but he believes that to be too narrow. He mentioned the situation in which it's not adjacent but has a sign on it that cannot be seen on any public road; he believes that should also be exempt. Mr. Galloway gave his written comments to the secretary. He believes that the Planning Commission should consider a continuation to put these items on the agenda. He cannot believe that when the need is seen for a change in an ordinance that the Planning Commission is hamstrung by an agenda that did not anticipate these suggestions.

Lori Wray spoke on behalf of Scenic Nevada. Their Board of Directors met and discussed the changes that were before the Planning Commission. They believe this was the best possible outcome compromise that they could see and one that benefits all segments of the community. Scenic Nevada was honored to be a member of the working group assembled in late 2013 to help draft the County Sign Code update. One or more of their members attended the meetings throughout 2014 and 2015. They have also been to all of the public hearings on the draft ordinance and have involved members of the community inside and outside their own organization to weigh in on the draft. Scenic Nevada is a nonprofit dedicated to protecting scenic beauty and community character in the state. Their mission includes participating in the public process. Attending these meetings, offering solutions, making requests, and soliciting community support are what they do to achieve their goals. They are all volunteers and have nothing financial to be gained by promoting their vision of a scenic Nevada. They believe that people receive a lift from naturally beautiful and unobstructed scenery and open spaces and charming commercial neighborhoods. They believe this is where we all want to live, work, and shop. Scenic Nevada thinks that their goals align very much in some ways with those in the

business community, who want to bring people to Washoe County and boost the local economy. They believe that scenic beauty does bring people and adds immeasurably to the quality of life for those who stay. Edward T. McMahon, nationally known urban planner, author, and Senior Resident Fellow of the Urban Land Institute, said it best: "Successful communities pay attention to aesthetics. Typically they control signs. They plant street trees. They protect scenic views and historic buildings. And they encourage new construction that fits in with the existing community." Scenic Nevada has had deep disagreements with staff over many of the issues concerning this draft, but they have also found some common ground. They hope the disagreements do not overshadow the progress they see possible by implementing the draft. They may not agree with everything in it and all the proposed changes, but it definitely represents a compromise. A good compromise is reached when everyone can find aspects they agree with and also things they oppose. They hope the Planning Commission agrees and approves the recommended changes. When the BCC meets, Scenic Nevada hopes they approve the changes as well.

Lea Tauchen spoke on behalf of the Retail Association of Nevada, a statewide trade association that represents big box stores, mass merchandisers, grocers, chain drug stores, convenience stores, restaurants and a multitude of small businesses, many of which are located in unincorporated Washoe County. They wanted to support the changes that were proposed to the county sign code regulation, pursuant to the two components regarding the on-premise Electronic Message Display (EMD) signs. They did not engage in the off-premise billboard sign conversations. The EMD signs are a viable and effective communication tool for the retail industry to connect with their customers. The Retail Association of Nevada likes to advocate for consistency and for adhering to industry standards. It helps to provide consistency for the businesses that operate in multiple jurisdictions and, in this instance specifically, the changes would much more closely resemble what is already in code in Sparks and Reno. They believe that this helps to increase compliance while decreasing the burden on business. They believe that the proposed changes will provide for code in Washoe County that is more consistent and will match those industry standards. They urged the Planning Commission's recommendation to the Washoe County Commission.

Chair Barnes called for Commission questions.

Vice Chair Chvilicek asked Mr. Lloyd for clarification regarding Items 1, 2 and 3. She asked if these were the three items for the Planning Commission to consider that evening.

Mr. Lloyd affirmed that was correct.

Vice Chair Chvilicek asked Mr. Lloyd to define Item 1, reducing the required number of travel lanes fronting an EMD from four lanes to two lanes. She asked if it was four lanes going in one direction and four lanes going in the other direction or two in one direction and two in the other direction.

Mr. Lloyd affirmed that it is the latter. Initially the draft code had a requirement that an EMD sign be adjacent to a four-lane (two in one direction and two in the other direction) road.

Vice Chair Chvilicek asked if it is now being reduced to two lanes, one in one direction and one in the other direction.

Mr. Lloyd said that was essentially correct. They are eliminating the provision altogether, which would not have any type of criteria for a two-lane or a four-lane road. Essentially all roadways are at least two lanes, so there is no need for the provision.

Vice Chair Chvilicek asked if a big EMD board could be on Red Rock Road.

Mr. Lloyd does not believe that the correct zoning or commercial uses would exist there.

Vice Chair Chvilicek asked if there are other criteria that come into play before an EMD can go on a two-lane road.

Mr. Lloyd affirmed that there is a good deal of criteria.

Vice Chair Chvilicek asked about the meaning of Item 3, which prohibits the offsite advertising and the collection of revenue for advertising for all commercial signs that are not billboards.

Mr. Lloyd replied that this needs to be read in the context of the rest of the draft language that has been imposed. They want to prohibit billboards on commercial sites. They are trying to prevent a business from collecting revenue by advertising somebody else's message. It would prohibit the collection of revenue to display a message on a commercial sign that is not a billboard.

Vice Chair Chvilicek explained that she thinks of a commercial sign and a billboard as one and the same.

Mr. Webb mentioned Page 505-8. He encouraged the Planning Commission to go specifically to the amendments as they are discussed. He pointed out the actual amendment, which says that except for signs regulated as a billboard, and except for noncommercial signs, every other sign has to meet 1, 2, and 3. Back to the billboards, he asked the Commission to keep in mind that in the context of the code that is being proposed, the billboards are only the billboards that currently exist on the county's billboard inventory, which would be adopted by resolution by the County Commission concurrent with the sign ordinance. The number of billboards is set and static; there can be no more new billboards in the county. The ones that are out there today are going to stay. Anything else qualifies as a commercial sign and would have to meet 1, 2, and 3. Vice Chair Chvilicek referred back to Item 3 and asked how the Item 3 language would be integrated into the rest of the code so there will not be the confusion that she was reading in the two locations.

Mr. Lloyd directed Vice Chair Chvilicek to Page 505-8. He believes there is enough strict language included to be very clear regarding what is or is not a billboard. He reiterated that there is an inventory of billboards, and these billboards can advertise any message and can collect money for the advertising of those messages. Those are the only billboards that can do such. The other signs that fall under the commercial signage cannot advertise any message that does not direct attention to the business activity, product, service, or interest of any person located on the premises. That is the clear language in the section that has been added. They cannot collect revenue for any message displayed on that sign.

Commissioner Prough asked why it went from 20 seconds to eight seconds. He asked about the standard that brought that together.

Mr. Lloyd replied that there was a decent representation from the Chamber of Commerce at the County Commission meeting. One of the clear messages they wanted to convey to the County Commission was that 20 seconds, in their mind, is far too long of a hold time. They wanted to get it down to more of an industry standard, which is the eight seconds.

Commissioner Prough asked a question regarding Item 3. He provided a scenario in which he owned a business and asked another business if he could place a sign on their building

advertising his own. The advertising sign would cost him a monthly fee. He asked if this would not be allowed because his own business was not pertinent to the other.

Mr. Lloyd confirmed that Commissioner Prough was correct and the sign would be prohibited.

Commissioner Daly stated that the industry standard means in the best interest of the industry; it does not mean in the best interest of the community. Commissioner Daly is a certified safety professional with 40 years in the business and a Master's Degree in the field. He said that a flashing billboard has one purpose, which is to gain your attention. If you drive on I-580 between South Meadows and Damonte Ranch Parkway, you will see one of these. Depending on how fast you are driving, you will see two to four messages in the space of 30 seconds. In his expert opinion, this change to the Development Code would constitute a constructive nuisance and would present a clear and present danger to motorists, and as such, he will not vote in favor.

Commissioner Edwards had a problem with Item 3. He has worked on this for years, and they spoke about the lanes having a major safety impact on EMD's. If there is back and forth traffic on a two-lane highway, being distracted by an EMD, there is no barrier, no separation between the lanes. He believes they should either go back to the 20 or go back to the four lanes and have them divided somehow. When both are changed, he believes that it is asking for a problem. They spent hundreds of hours coming up with the language. He was upset with the Board of County Commissioners (BCC), having not sat in the Planning Commission's and staffs' laborious meetings to come up with these things, and then they just waved a magic wand. He believes the sign people might have their own interests, so he gave them some interest in this, but not the final word. The Planning Commission has talked about all of these steps. He has a problem when those two changes are put together; it makes a very large difference.

Commissioner Horan believed that his fellow Commissioners made some very valid points. Regarding Item 3, they spent much time on it as far as the ability to generate revenue, and sent it to the County Commissioners with that included. He finds it hard to support the changes they are being requested to make.

Mr. Webb suggested that if the Commissioners had no further questions of staff or of any members of the public, then they might close the public hearing and bring it back to the Commission for discussion, which is what the last two comments were.

Chair Barnes closed the public hearing and called for Commission discussion.

Commissioner Horan reiterated his previous comments as part of the discussion, without speaking his comments a second time.

DDA Edwards clarified that the Planning Commission was not obligated to return a favorable report to the County Commission. The situation is that different boards are working at different levels on this. DDA Edwards believed that the job of the Planning Commission that night was to hear from staff and the public and then discuss and make a decision about what, as a Commission, they agree on in terms of recommendations. In the staff report, Mr. Lloyd provided possible actions that the Planning Commission could take. One of the included options would be a report expressing their disagreement with the changes, or their disagreement with some of the changes. DDA Edwards also discussed, on Page 505-8, the proposed change saying revenue shall not be collected for messages displayed on the sign. He said that, as council, he has great pause over the defensibility of that provision were it to be challenged in court on multiple grounds, including First Amendment grounds and Commerce Clause grounds. He did some case law research in this area and located some cases that reflect a high level of disfavor

by the Supreme Court of the United States on regulations that impose economic burdens based on the type of speech that is involved...an extremely high level of disapproval of those regulations. One of the cases concerned the Son of Sam serial killer in the late 70's in the New York City area. After his conviction, he attempted to write a book or sell the rights to his story to a publishing company. New York State enacted a statute that said he could not earn any money from the book. The Supreme Court said that he could earn money from the book and struck down the statute. DDA Edwards' point was that the case was a high watermark, when the Supreme Court would defend a serial killer being paid for the speech in which he wanted to engage. It shows how far they are willing to go to protect the principal involved. There is strong language concerning regulations that target a particular content of speech and say that a person cannot make money off of that. His advice to the Planning Commission was to take his comments into account and take their own judgment into account, but he did see a substantial risk of challenge and a substantial risk to the defensibility of that provision, the revenue collection. He added that if off-premise commercial signage is already being prohibited, then legally speaking, it seems superfluous to prohibit the collection of revenue for signs that are already conceptually prohibited. It seems to be a belt-and-suspenders approach, which makes sense practically and conceptually speaking, but the latter provision on revenue collection does run into more significant First Amendment hurdles in his opinion.

Commissioner Horan stated that the Planning Commission spent a lot of time and discussion on many of the items before making recommendations to the County Commission. The issues are the two-lane, four-lane that Commissioner Edwards brought up, the repetitive flashing lights as a safety issue, and the revenue collection. When he looked at this, he would go with the option of rejecting the changes.

Vice Chair Chvilicek asked for clarification that the BCC had asked for the determination, but had not yet voted.

DDA Edwards confirmed that the BCC sent this back for a report from the Planning Commission on the possible changes. The BCC, after receiving the report, will at some point have the option of putting it back on for another first reading and possibly a second reading and then adoption. The BCC can make changes. If the Planning Commission does not agree with the changes, then the County Commission can still include those changes in the first reading version that they bring before that Board down the road. This is the Planning Commission's opportunity as a board to have a voice on the changes, whether favorable or unfavorable, but the Board of County Commissioners will have the final say.

Commissioner Chesney stated that he could not support any of the three changes. He asked council how they should proceed.

DDA Edwards, Mr. Webb, and the Commissioners discussed how to best construct the report for the BCC.

Chair Barnes began the process of taking comments from the Commissioners.

Commissioner Edwards would adopt Option B. He could accept Changes 2 and 3, but he could not accept Change 1, the reduction of the minimum number of lanes for an EMD.

Commissioner Daly agreed with the reduction of lanes issue. He also agreed that the reduction from 20 seconds to eight seconds is entirely inappropriate and a threat to public safety. He would go the other way with a much, much longer period to ensure that a motorist driving on a freeway, for example, will pass the sign with zero to one change.

Commissioner Chesney agreed on the reduction of lanes, which appears to be a safety issue to him, as does Number 2, which he believes is a real safety issue. For Number 3, he does not believe it is their place to deny someone who has ownership of a sign what they put on the sign or whether they make a profit. He doesn't believe they are in that business.

Chair Barnes agreed with Commissioner Chesney on all three of his comments.

Vice Chair Chvilicek spoke on Item 1, reducing the required number of traffic lanes. Two lanes without a barrier cause a grave concern of traffic safety for her. When she looked at EMD's and started timing them as she was around the community, eight seconds tended to be their rotation. She agreed that when you are traveling down a road and you see the sign change multiple times, then the longer those read, the safer she believes it to be. With respect to council's guidance or caution on offsite advertising, she still supports prohibiting offsite advertising.

Commissioner Prough doesn't have a problem with the reduction down to two lanes. He believes there would be some measure of thought before anything went into that. He is very concerned about Point 2 with the timing. He is glad for Commissioner Daly's presence as an expert on this. He would defer to Commissioner Daly's expertise. He believes that eight seconds is too quick to pick up a message if you are going 60 to 70 miles per hour down the freeway. He understands from the advertiser's standpoint, the billboard company, that you get more people advertising because you are flipping those messages around, and that does bring revenue into the county. He thinks the safety concerns outweigh that. For the last point, he is a strict believer in the First Amendment and does not want to restrict anyone's commerce. If they have the gumption to be able to make a living somehow, that is good.

Commissioner Horan supported the other comments that were made relevant to Items 1 and 2 as far as the safety issues' concern. The elimination of the four-lane requirement is problematic, as well as the frequency of the turnover on the electronic signs. He also does not support restricting the ability for offsite advertising.

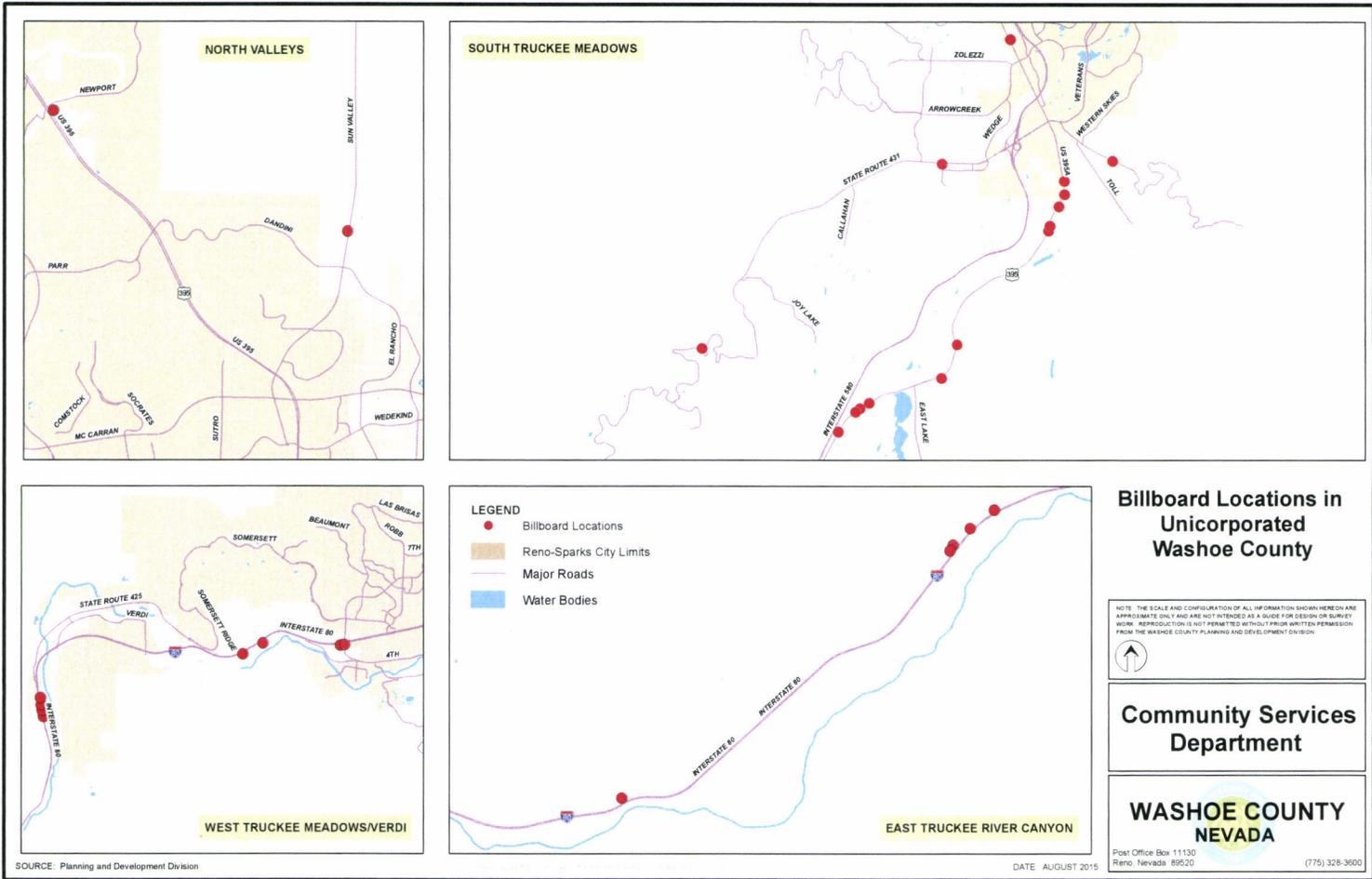
Mr. Webb suggested consideration of a motion in which the Planning Commission take the comments from each of the individual Commissioners and put the comments in a report and transmit it to the County Commission for the sign code. He suggested a structure similar to the example motion on the motion sheet, but taking comments from each of the seven Commissioners as expressed that evening.

Commissioner Daly made a motion to deny the proposed change, with the comments attached from each Commissioner, and to forward that to the County Commissioners.

Commissioner Chesney seconded the motion, which passed unanimously with a vote of seven for, none against.

EXHIBIT D
BILLBOARD INVENTORY AND MAP

	A	C	I	J	K	U	AE	AF
1	ID	PIN	STREET_NUMBER	ST_DIR	STREET	SIGN COMPANY	LIT	#_SIDES
2	3	038-242-20	00325		HIRSH RD			
3	4	038-242-20	00325		HIRSH RD	YESCO		2
4	5	038-242-20	00325		HIRSH RD	Viscom		2
5	10	038-172-14		W	INTERSTATE 80	Outfront Media LLC		
6	11	038-172-10			UNSPECIFIED	Outfront Media LLC		
7	13	039-139-05	00220		THOMAS AVE	Outfront Media LLC		
8	14	039-139-01	00225		MAE ANNE AVE	Outfront Media LLC	Y	
9	16	035-073-16	4845		SUN VALLEY BLVD	Clear Channel Outdoor		2
10	26	160-060-24	11900	S	VIRGINIA ST	Outfront Media LLC	Y	2
11	34	017-051-03	01505		GEIGER GRADE			2
12	41	049-402-07	5185		EDMONTON DR	Clear Channel Outdoor		2
13	48	048-050-11	0		MT ROSE HWY	Mt Rose		
14	64	046-080-03	00225	S	US 395 N CC HWY			
15	65	046-080-39	00435	S	US 395 N CC HWY	Clear Channel Outdoor		2
16	66	046-080-17	0		US HWY 395 S	YESCO		2
17	68	046-070-57		S	US 395 N CC HWY	Outfront Media LLC		2
18	69	050-150-02	23070	S	US 395 HWY	Outfront Media LLC		
19	70	017-310-18	16250	S	US 395 HWY			
20	72	017-310-17	16102	S	US 395 HWY	Clear Channel Outdoor	Y	2
21	73	017-301-29	16006	S	US 395 HWY			
22	74	017-020-18	15820	S	VIRGINIA ST	Outfront Media LLC	Y	2
23	75	017-020-18	15820	S	VIRGINIA ST	Outfront Media LLC	Y	2
24	94	084-710-01	12880	E	INTERSTATE 80	Outfront Media LLC	Y	
25	96	084-710-01	12880	E	INTERSTATE 80	Clear Channel Outdoor	Y	2
26	97	084-710-01	12880	E	INTERSTATE 80	Outfront Media LLC	Y	
27	98	084-710-01	12880	E	INTERSTATE 80	Outfront Media LLC	Y	
28	101	084-080-30	10700	E	INTERSTATE 80	Outfront Media LLC		
29	103	082-615-13	0		NEWPORT LN	Outfront Media LLC		2
30	1000	038-242-20	00325		HIRSH RD			2
31	1002	050-170-04	0		S VIRGINIA ST			



SOURCE: Planning and Development Division

DATE: AUGUST 2015

EXHIBIT E



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

RECOMMENDING APPROVAL OF AMENDMENTS (DCA 14-009) TO THE WASHOE COUNTY CODE AT CHAPTER 110, DEVELOPMENT CODE, AT ARTICLE 500 TO REMOVE ARTICLES 502 (BILLBOARDS) AND 504 (SIGNS) AND TO ADOPT A NEW ARTICLE 505 (SIGNS).

Resolution Number 15-07

WHEREAS

- A. Development Code Amendment Case Number DCA14-009, came before the Washoe County Planning Commission for a duly noticed public hearing on July 7, 2015; and
- B. The Washoe County Planning Commission heard public comment and input from both staff and the public regarding the proposed Development Code amendment; and
- C. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- D. Pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code amendment, Case Number DCA14-009:
 1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
 2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
 3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
 4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

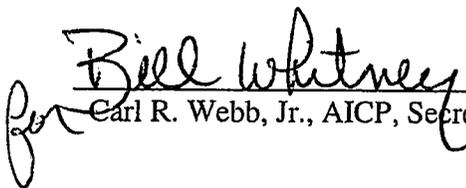
NOW, THEREFORE, BE IT RESOLVED that pursuant to Washoe County Code Section 110.818.15(d) and (g):

1. The Washoe County Planning Commission does hereby recommend APPROVAL of DCA 14-009, an amendment to the Washoe County Code at Chapter 110, Development Code, Article 500 as set forth in Exhibit A; and,
2. A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation be forwarded to the Washoe County Board of County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on July 7, 2015.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:



Carl R. Webb, Jr., AICP, Secretary



Roger M. Edwards, Chair